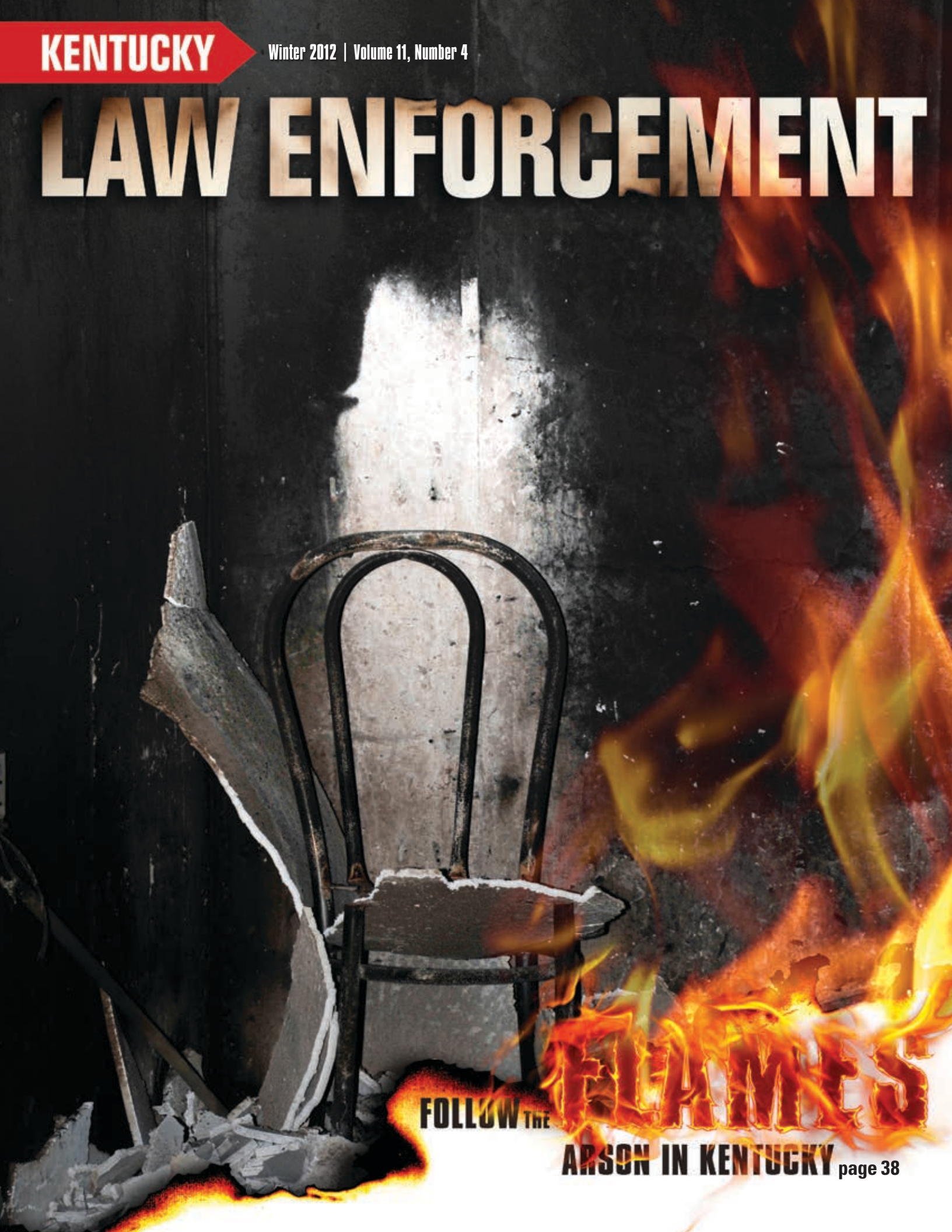


**KENTUCKY**

Winter 2012 | Volume 11, Number 4

# LAW ENFORCEMENT



**FOLLOW THE**

**FLAMES**

**ARSON IN KENTUCKY** page 38



Steve Beshear  
Governor

J. Michael Brown  
Justice and Public Safety  
Cabinet Secretary

John W. Bizzack  
Commissioner

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This publication is produced quarterly as a training  
and marketing tool for the Kentucky law enforcement  
community as well as public officials and others  
involved with law enforcement or the oversight of law  
enforcement. It includes best practices, professional  
profiles, technology and law updates of practical  
application and news-to-use for professionals in  
the performance of their daily duties.

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The Kentucky Law Enforcement staff welcomes submissions of law enforcement-related photos and articles for possible submission in the magazine  
and to the monthly KLE Dispatches electronic newsletter. We can use black and white or color prints, or digital images. KLE news staff can also publish  
upcoming events and meetings. Please include the event title, name of sponsoring agency, date and location of the event and contact information.



## Secretary's Column

# Countless Liabilities and Risks Plague Constable Office

J. MICHAEL BROWN | SECRETARY, JUSTICE AND PUBLIC SAFETY CABINET

Does the position of constable have a useful law enforcement function in modern day Kentucky?

That was the question I posed to the Department of Criminal Justice Training earlier this year, in directing the agency to convene a working group to address whether the constitutional office of constable was still relevant in today's society.

Now, after six months of meetings, research and surveys, the group, which included representatives of law enforcement agencies and local government organizations throughout the commonwealth, has issued a report that clearly and unequivocally answers that question:

No.

Discussion of the powers and duties of constables is nothing new. In fact, numerous legislative initiatives have been introduced over the years to abolish the office altogether, restrict its functions, or expand its authority and role, although none of these attempts have been successful. The topic seemed to reach fever pitch over the past year, however, following several high profile incidents involving constables. As a result of these cases, which increasingly portrayed constables in a negative light, calls escalated from individuals, law enforcement groups, local officials and media representatives, questioning the powers, training and necessity of these office holders. In February, the Kentucky Law Enforcement Council voted to ask its general counsel to initiate legal research regarding statutory and regulatory changes that would restrict the law enforcement authority of constables.

In proposing the study, I asked DOCJT to develop a comprehensive, objective view of the authority, usefulness and purpose of constables — to look at all angles of the office and determine if a position that served a defined need 200 years ago still was relevant today.

The review included an historical perspective of constables in Kentucky and other states' experiences with the office, as well as six statewide surveys conducted with primary stakeholders and more than 1,400 responses received.

The working group's report, "Constables in Kentucky: Contemporary Issues and Findings Surrounding an Outdated Office," which I released at the November KLEC meeting, clearly demonstrates that the position of constable is outdated as an arm of law enforcement.

Constables currently perform less than one-fourth of one percent of the law enforcement work in Kentucky.

For the most part, according to the report, constables perform security guard functions, direct traffic at events or serve civil warrants. As none of these functions require law enforcement authority, their authorized (and sometimes unauthorized) activities create liabilities and risks to counties.

Overwhelmingly among the key stakeholder groups surveyed — judge executives, county attorneys, sheriffs, state police and chiefs of police — abolishing the office of constable or limiting its law enforcement authority was the recommendation of a majority of respondents.

Even among constables themselves, who were a sixth key stakeholder group surveyed, there exists a dramatic disparity in the type of duties they perform, the understanding of what their role is and the level of education and training they receive.

Kentucky's law enforcement officers are among the most, if not the most, carefully selected, highly skilled and vigorously trained in the country. Certified peace officers today meet rigorous pre-employment standards, are trained through empirically established curricula and are regulated through multiple layers of oversight and public scrutiny.

That standard is diluted when law enforcement powers are shared with individuals who lack the required training and accountability.



## Commissioner's Column

# Constable Role Outdated, Hazardous

JOHN W. BIZZACK | COMMISSIONER, DEPARTMENT OF CRIMINAL JUSTICE TRAINING

When Kentuckians seek public service in the field of policing, multiple options are available:

237 municipal police departments, 120 sheriff's offices — most with multiple deputies — and eight state agencies, including the Kentucky State Police. These officers — more than 8,000 men and women — all have met statewide standards, graduated from an accredited law enforcement training academy and are overseen by the Kentucky Law Enforcement Council. These folks are trained professionals, required to attend advanced courses each year to maintain their accreditation.

Research and practical experience have proven the field of policing demands more than the part-time attention of untrained individuals who have been arbitrarily granted the authority to use deadly force or deprive citizens of their liberty by arrest. These are serious responsibilities, not intended to be granted to holders of an outdated constitutional office. In Kentucky, the one exception is the elected Office of Constable which currently carries the authorities of law enforcement, but with no mandated training requirements whatsoever.

Constables with pistols may have been needed in 1850 when they were added to the Kentucky constitution as manpower to enforce the law. But times have changed, society has evolved and it seems everyone except constables have progressed into the 21st century. Certainly, the duties of law enforcement officers have progressed dramatically.

Based on a sophisticated, empirically-based job task analysis, training to perform the basic duties of a law enforcement officer requires a minimum of 768 hours (18 weeks) after the recruit has met statewide selection standards. Annually, each certified officer is required by law to receive 40 hours of additional training. Even though Kentucky's training programs and requirements are recognized throughout the nation as a model for modern policing and law enforcement training, some say even more education is advisable.

The November 2012 report, "Constables in Kentucky: Contemporary Issues and Findings Surrounding an Outdated Office," clearly and unambiguously outlines the contrasts between police officers and constables as currently defined. In addition, empirical evidence proves the office is unnecessary for law enforcement purposes (less than .02 percent of Kentucky's law enforcement work is conducted by the state's 586 constable offices).

Today, as in the past, constables claim the "solution" to this issue is simple training. The Office of Constable remains unpaid, forcing most to work a full-time job. Noting they cannot take 18 weeks off their jobs, many promote a week or two of abbreviated law enforcement training. That solution, especially in light of this report, is absurd — as acceptable as abbreviated pilot's training. After all, these people carry a gun in public places, frequently face confrontational situations and have to apply the law fairly and equitably.

Boiled down to its essence, Kentucky citizens have a right to expect a full-time, dedicated and trained law enforcement presence on their streets. Similarly, law enforcement officers have a right to assume their backups are fully trained and responsible.

And then there's a cost issue. Like most states, Kentucky struggles to ensure that the existing accredited training for law enforcement officers remains effective, despite restricted budgets. At best, adding training for an unnecessary elected office increases costs and drains resources dedicated to providing genuinely-essential training for the Kentucky police community.

Constables often contend their offices provide a free service to Kentucky when they serve court papers for which they collect a fee. That is not the purpose of this report; serving civil papers is best left to the sheriffs of the state.

Every facet of life in Kentucky, in the United States, in the world, gradually evolves or perishes. Kentucky law enforcement has evolved immensely since 1850; the office of constable has not. In the aftermath of a shooting in Louisville, a tasing in Richmond, embezzlement in Bell County, wanton endangerment in Graves County and multiple other improprieties, it becomes apparent the office must evolve into providing a benefit to Kentuckians or face abolishment.

No one can justly criticize the laudable desire to pursue public service. For those of us in the law enforcement community, that has never been the question. Opportunities for public service as a police officer are readily available for those who wish to pursue them. Today, however, law enforcement careers require a full-time commitment, an ability to meet hiring and selection standards, intensive training, regular updates on new techniques, evolving technology and continuing education in the nuances of law enforcement in Kentucky. The citizens of Kentucky deserve nothing less.



# CONSTABLES IN KENTUCKY

CONTEMPORARY ISSUES AND FINDINGS SURROUNDING AN OUTDATED OFFICE



THE FIRST  
COMPREHENSIVE  
EVALUATION  
OF THE OFFICE  
OF CONSTABLE  
SINCE ITS CREATION  
IN 1850

November 2012

## Report on Kentucky Constables

A copy of the full report is available at <https://docjt.ky.gov/constables.html>

(Reprinted from the Lexington Herald-Leader with permission)

## Kentucky Constables Have Outlived Usefulness, Report Says

November 8, 2012

By Valarie Honeycutt Spears (Lexington Herald-Leader)

**T**he Kentucky Law Enforcement Council released a report Thursday saying the office of constable has outlived its usefulness and is no longer considered essential to modern law enforcement work.

The question about the relevance of constables was raised in April by Kentucky Justice and Public Safety Cabinet Secretary J. Michael Brown. Brown directed the Department of Criminal Justice Training to determine whether constables had a viable role, a news release from Brown's office said.

Brown's concern stemmed from recent high-profile criminal cases involving constables and deputy constables.

Constables in Kentucky largely perform security-guard functions, direct traffic at events or serve civil warrants, the report said.

"While constables undeniably wish to perform a public service, the fact remains that for many of them the role is a part-time position with no certified requirements, no certified standards and no training," Department of Criminal Justice Training Commissioner John Bizzack said in the news release. "What we have today is a position that has been called a hobby. And as a hobby, the office shouldn't have the same law-enforcement authority as trained, certified professional officers."

Edward Sparks, a second district deputy constable in Fayette County and vice president of the Kentucky Constable Association, said Thursday that at last count there were 490 constables in Kentucky, but that number probably increased after Tuesday's election.

The three constables and their staffs in Fayette County don't draw salaries paid by tax dollars. The constables and their staffs deliver civil court papers for a fee paid by parties in court cases. The fee is sometimes between \$30 and \$40. A constable has arrest powers and can carry a gun, according to Herald-Leader archives.

The report was released against a backdrop of several notable criminal cases against constables:

- In Fayette County, Dannie Ray Pendygraft, who had been a deputy constable for about two years, was sentenced in May to a weekend in jail and three years' probation after pleading guilty to official misconduct and promoting prostitution. Pendygraft accepted sexual favors from prostitutes in exchange for rent. He was dismissed as a Fayette constable after pleading guilty.
- In Louisville last month, Jefferson County Constable David Whitlock agreed to resign as part of a plea agreement that spared him prison time for shooting a suspected shoplifter in a Wal-Mart parking lot, the Louisville Courier-Journal reported.
- In December 2011, a federal grand jury convicted Clay County constable Jackie Roberts of selling pain pills and illegally possessing a gun.

Fayette Constable Steve Hamlin said Thursday that Pendygraft's case was the first among Fayette County constables or their staffs that he was aware of in the last several years.

Hamlin, the government affairs director of the Kentucky Constable Association, said he had not seen the report released Thursday but he did not think the office should be abolished.

"We have served tens of thousands of papers in the past few years without costing taxpayers a penny. We can serve very safely and productively," he said.

The report from the working group, "Constables in Kentucky: Contemporary Issues and Findings Surrounding an Outdated Office," revealed that an overwhelming majority of 1,400 county and law enforcement officials who answered a survey saw little or no practical purpose behind the constitutional office, and said it should be abolished or its law enforcement authority eliminated or restricted.

The report says most states have outright abolished constables, limited the office's functions or imposed restrictions. Kentucky is among 12 states that have allowed the office to exist.

Brown, who presented the report's findings during a meeting of the Kentucky Law Enforcement Council in Louisville, said in >>

“The report said there is no required training, education or experience for constables — a standard inconsistent with other Kentucky law enforcement officers, who are certified according to the Peace Officer Professional Standards.”



>> a statement that he would continue to address the issues raised in the report and will review any legislative proposals that might result.

Brown said he asked for the study “to look at all angles of the office and determine if a position that served a defined need 200 years ago was still relevant today. The answer is a resounding ‘no.’”

The report said there is no required training, education or experience for constables — a standard inconsistent with other Kentucky law enforcement officers, who are certified according to the Peace Officer Professional Standards.

“Certified peace officers today meet rigorous pre-employment standards and training and are regulated through multiple layers of oversight and public scrutiny,” Brown said in the news release. “That standard is diluted when law enforcement powers are shared with individuals who lack required training and accountability.

“The General Assembly could remove or restrict the law enforcement authority of constables, but attempts at legislation have been unsuccessful, according to the report.

The law enforcement benefit to counties is negligible, the report said, as constables perform less than one-fourth of one percent of the law enforcement work in Kentucky.

“As none of these functions require law enforcement authority, their authorized (and sometimes unauthorized) activities create liabilities and risks to counties,” the news release said.

Even among constables who were surveyed, there was a dramatic disparity in the type of duties they perform, the understanding of what their role is, and the level of education and training they receive, the news release said.

Hamlin said he had asked several lawmakers to sponsor legislation that would allow training for constables. Sparks, a deputy for second-district Constable Jim McKenzie, said the duties of the office of constable might need to be revamped and he thought training was needed, but he didn’t think the office should be abolished.

In many counties where law enforcement resources are low, Sparks said, “We help to provide a lot of gaps that are missing.” 🍷

# Kentucky Editorializes on Constables

COURIER JOURNAL (Louisville)  
Published November 12, 2012

## General Assembly needs to eliminate county constables

The Kentucky General Assembly needs to act quickly to solve the problem of constables.

They’re not trained, not qualified and they’re not needed.

A report released last week by the state Justice and Public Safety Cabinet found that the 509 constables in Kentucky do little police work and are potentially a hazard for the people of Kentucky because few have law enforcement training.

“It’s time now to finally take a look at this office and not continue to push the issue down the road,” Justice Secretary J. Michael Brown said last week in issuing the report.

People in Louisville should be well aware of the problems associated with the antiquated post because of the sad case of David Whitlock, a former Jefferson County constable who shot an unarmed woman suspected of shoplifting from a Wal-mart a year ago.

Whitlock, who had pleaded guilty to felonies for theft several years before he was elected as a constable, was kicked out of a law enforcement training program when he failed the portion on firearms training.

Ultimately, he agreed to a plea deal that, thank goodness, required him to resign his elected position.

The problems with the office are many. Beyond the fact that no training is required, there is no state required salary and most counties pay very little, if anything.

We’re reminded of the old saw, “You get what you pay for.”

The office often draws people who simply want power or the ability to cloak themselves in the mantle of authority when looking for jobs as security guards. And in Whitlock’s case, convicted felons.

Who else would want such a job? There’s also the liability issue. Untrained law enforcement officers put the government at risk of huge lawsuits when people are arrested without warrant or shot by a rogue wannabe with a badge.

There’s a simple remedy here. Because the position of constable is established in the Kentucky Constitution, it requires legislative action to get the matter on the ballot so voters can make the change.

But when state Sen. Julie Denton and state Rep. Joni Jenkins tried to get the legislature to pass such a constitutional amendment eliminating the position earlier this year, they were told it was nothing more than a squabble between sheriffs and constables and that they needed to let the two sides work out a deal.

What? That’s letting foxes armed with .45 calibre Glocks in the hen house.

The General Assembly needs to revisit the issue and pass a truly necessary constitutional amendment — unlike the one voters backed last week that vanquished a non-existent threat to their right to hunt and fish.

And while they’re at it, they can also do away with the jobs of county commissioners, magistrates and judge-executives where there are merged governments like in Louisville and Lexington.

You want smaller government? Here’s your chance to eliminate more than 500 government jobs and make your constituents safer.



LEXINGTON HERALD-LEADER (Lexington)  
Published November 14, 2012

## Legislature should abolish constable job Report rightly says position unneded

Thanks to Justice Secretary J. Michael Brown for taking a close look at the role of

constables in Kentucky’s counties and reporting that, frankly, they are more trouble (or at least potential liability) than they’re worth.

Brown appointed a working group that researched the legal and other history of constables and surveyed county judge-executives, county attorneys, chiefs of police, sheriffs, the state police and constables themselves.

The conclusion was that “the office of constable serves no value to Kentucky law enforcement and exposes the citizens of Kentucky to unnecessary risk of injury or violation of rights.”

Brown’s report said that at a minimum constables, who have no required qualifications or training, should be stripped of their law enforcement authority. Although they aren’t paid by counties, deriving their income instead from fees for serving warrants, they are still authorized to carry firearms and arrest people, both of which create liability for counties. This is a very real risk, particularly given recent history in which constables have been prosecuted for crimes ranging from selling pain pills to promoting prostitution.

It also dilutes the authority and respect for officers who are hired on the basis of ability and trained to do their work professionally.

Most constables, of course, don’t do bad things. But that’s not a high enough bar for maintaining these positions, which the report called “a tenuous anachronism.”

“The office of constable is established in the Kentucky Constitution but the policing authority was granted by the legislature, which can and should remove that authority. The General Assembly should also move forward to place a constitutional amendment on the ballot to abolish the position.

But it shouldn’t stop there. Constable, of course, is not the only anachronistic county position in our constitution. In counties, like Fayette, where the county and city governments are merged, the positions of magistrate, commissioner and judge-executive have no real reason for existing. Indeed, Jon Larson successfully sought the judge-executive position in Fayette County in 2010 on the promise that he would work to abolish it. Sadly, he hasn’t yet succeeded.

The legislature could, and should, give Kentucky voters the chance to vote on a constitutional amendment to abolish these holdovers from the past that no longer serve the public and have the potential to cause harm.



DAILY INDEPENDENT (Ashland, KY)  
Published November 13, 2012

## Of little value Office of constable has outlived whatever usefulness it once had

ASHLAND — Who is your constable? Don’t know? Don’t feel too badly. Even some of the most conscientious voters cannot tell you who their elected constable is and have no idea what he or she does.

For the most part, that’s no big deal because most constables elected in Kentucky do little or nothing as a result of their office — and that’s just the way most Kentuckians want it. If there was ever a need for elected constables in Kentucky, it disappeared decades ago.

Nevertheless, constables continue to be elected in all 120 counties, and while most of them have little or no law enforcement training or experience, they have the same rights and powers as the highest ranking and best trained police officers in Kentucky. But instead of helping improve law enforcement in Kentucky by increasing the number of officers patrolling highways and investigating crimes, many constables actually hinder law enforcement by performing law enforcement duties without proper training. Instead of helping professional police officers and prosecutors build cases against criminals, untrained constables can actually taint evidence, violate the rights of suspects and bungle cases so badly that successful prosecution becomes more difficult if not impossible.

While some constables actually think they help professional police officers do their jobs and bring criminals to justice, the Kentucky Law Enforcement Council, a statewide organization made up of sheriffs, police chiefs and state police, disagrees. A new year-long study released by the council calls for a constitutional amendment to eliminate the office of constable. Short of elimination of the office, the study asks for legislators to strip away the law enforcement duties of constables.

The KLEC study found that the more than 500 elected constables in the state perform one-fourth of 1 percent of all law enforcement work in the state. Constables are not paid and have no law enforcement training.

“They are unregulated and have no standards,” said Commissioner John Bizzack, who heads the Department of Criminal Justice Training.

The recommendations come a year after a constable in Louisville, David Whitlock, shot at a woman across a Wal-Mart parking lot. Whitlock resigned in October as part of a plea deal that kept him out of jail.

Justice and Public Safety Cabinet Secretary J. Michael Brown, who presented the report, said the recommendations are not aimed at any individual and that there have been issues with constables from around Kentucky. The report cites incidents, including arrests and confrontations with citizens, involving constables in Lexington and Louisville as well as Clark, Johnson, Knox, LaRue and Muhlenberg counties. A constable in neighboring Carter County was killed while trying to assist professional law enforcement officers.

The actions of the relatively few constables who work part-time, carry a badge and use law-enforcement powers, reflect badly on professional officers. “The integrity ... of all of them is diminished by the office of constable as it exists now,” Brown said.

Not surprisingly, the KLEC report was quickly denounced by the Kentucky Constables Association. On its Facebook page, the organization said constables work for free to aid local authorities.

“It’s time for our government to stop wasting all our tax dollars to dream up all this non-since,” said the posting that including the misspelling of nonsense. “Government just can’t seem to stand it because we work for the people that elects us and not for the government themselves.”

Kentucky established the office in the state’s 1850 Constitution, but constables have no clearly defined authority in the document. Lawmakers granted it law enforcement powers in state law. Getting rid of the office would require a constitutional amendment passed by the General Assembly and approved by voters. Law enforcement powers could be stripped away by law.

Eliminating the law enforcement powers of constable is the first step the Kentucky General Assembly should take. Beyond that, legislators should give voters the opportunity to eliminate the office by placing a constitutional amendment on the ballot.

Fortunately, most elected constables in the state do little or nothing for the pay they don’t receive. They are not the problem. The problem is those few constables who attempt to “play cop” without training. They need to disappear.





## Bischoff Receives Shein Award for Outstanding Contributions to Kentucky's Law Enforcement Profession

Michael W. Bischoff received the 2012 Melvin Shein Award on Nov. 26. In 1995, Bischoff, along with the Kentucky Association of Chiefs of Police, developed the law enforcement accreditation program to help professionalize Kentucky law enforcement. The accreditation program established mandatory policies and procedures for Kentucky agencies based on the current law, police standards, training and best practices within the law enforcement community. The Kentucky League of Cities and Kentucky Association of Counties recognize the accreditation program for the substantial costs savings for the citizens through reduced insurance premiums and liability issues.

As the legislative agent of the chiefs' association, Bischoff worked closely with other law enforcement associations and the Kentucky Legislative Research Commission to provide a voice for the law enforcement community to the General Assembly. His legislative blog on the KACP webpage is a valuable tool to keep up to date with the "bills of interest" to law enforcement.

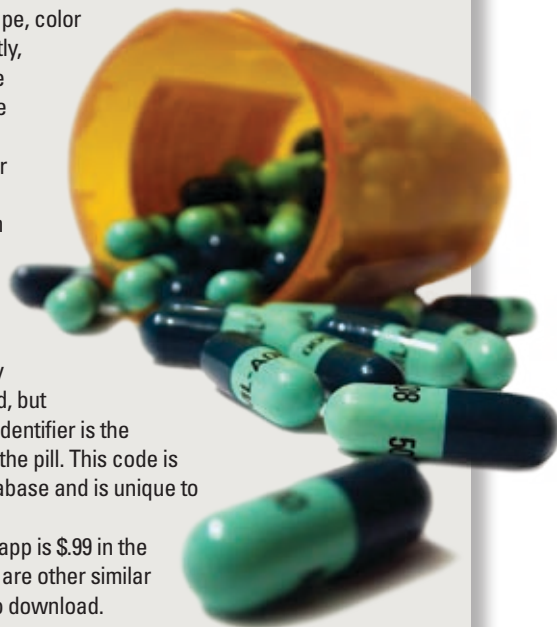
Bischoff's 40-year career has been devoted to the safety, well-being and continued professionalization of Kentucky's law enforcement agencies.

## NEW APP

### App Helps Identify Pills

Police are finding a new use for their smartphones to put a stop to pill trafficking. It all starts with an app called Pill Identifier.

The app allows a person to search based on a pill's shape, color and, more importantly, by the imprint on the pill. The results page will then name the medication, whether it's a controlled substance and even provide a photo for comparison. When searching the app, the color and shapes will only help narrow the field, but the most important identifier is the imprint, or code, on the pill. This code is universal to the database and is unique to each prescription. The "Pill Identifier" app is \$.99 in the app store, but there are other similar apps that are free to download.



### State Launches Abuse and Neglect Reporting Portal

"The safety of Kentucky's children, adults and seniors depends on a shared responsibility," said Teresa James, Department of Community Based Services commissioner. "We launched this website so concerned members of the public can more easily report suspected abuse and neglect and so that child and adult welfare investigators and law enforcement officials can better do their jobs."

The website can be accessed at <https://prd.chfs.ky.gov/ReportAbuse/home.aspx>.

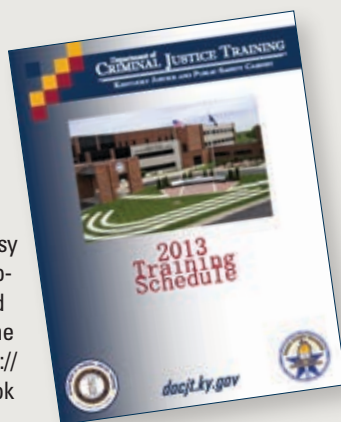
James said the ease and immediacy of the portal should make the reporting system more efficient.

"Reporting suspected abuse and neglect is the right instinct, and it is the law in Kentucky," James said. "With this new tool, we are giving people another direct method to contact our intake staff. If you see something of concern — don't wait, make the report."

Professional partners like law enforcement and judicial officials, medical professionals, educators, child and senior caregivers and other advocates have been using the program since July. Users have given feedback to DCBS staff to help refine the system for the general public.

## 2013 Schedule Book Available Online

The 2013 Department of Criminal Justice Training Schedule Book is available online for easy access to the latest training opportunities, class offerings and brand new courses. To view the 2013 schedule book, visit <https://docjt.ky.gov/2013schedulebook>



## NEW CHIEFS

### ROBERT THOMAS COLLINS Newport Police Department

Robert Collins was appointed chief of Newport Police Department on May 21. Collins has 36 years of law enforcement experience. He began his law enforcement career in 1976 with the Ludlow Police Department as a dispatcher. He has also served the Kenton County Sheriff's Office and designed their fugitive warrant system. Collins served as chief of Ludlow from 1987 to 2001. After retiring, he went to Newport Police Department. His long-term goals for the department are to make sure the leadership and command structures are intact and to enhance the community partnerships. He plans to work on recruitment and make sure that when his officers wear the Newport uniform they do so proudly and represent the best department in Kentucky.

### MICHAEL "SPIKE" JONES Covington Police Department

Michael "Spike" Jones was appointed chief of Covington Police Department on July 1. Jones has 24 years of law enforcement experience, and his entire career has been at Covington Police Department. He graduated from Eastern Kentucky University with a bachelor's degree in criminal justice studies and Northern Kentucky University with a master's in executive leadership and organizational change. Jones also is a graduate of the FBI National Academy 218th session. He plans to continue the same leadership of his predecessors by making the agency more efficient and effective. Jones would like to develop the department's front-line employees in emotional and social training. He also will forge a stronger connection and collaborative effort for a greater Covington community.

### KRAIG HANKINS Flatwoods Police Department

Kraig Hankins was appointed chief of Flatwoods Police Department on Aug. 1. Hankins has 25 years of extensive law enforcement experience. He began his career in the U.S. Army 82nd Airborne Military Police in Fort Bragg, N.C. Hankins served the Gallipolis Ohio Police Department and the Nelsonville Ohio Police Department, served as training officer for the Ohio Peace Officers Training Academy in London, Ohio. He went back to the military as a lieutenant and served eight years active duty. Hankins served as a special agent with ATF and a branch chief of the ATF Academy. Other areas he served were FLETC; a Resident Agent in charge in New Hampshire — ATF; and a Resident Agent in charge in Guam — ATF. In addition, Hankins is a retired lieutenant colonel from the U.S. Air Force Reserve after serving 34 years. Hankins has a bachelor's degree in liberal studies from Regents College. His long-term goals are to continue department professionalism and implement a K-9 unit and take-home fleet program.

### CHRIS TOWNSEND Fayette County Schools

Chris Townsend was appointed director of Fayette County School System on Aug. 1. Townsend has 26 years of law enforcement experience with the Lexington Division of Police. He graduated from Eastern Kentucky University with a bachelor's degree in police

administration and a minor in corrections. His primary goal is to focus on leadership training and development, and would like to broaden training opportunities for the officers to obtain new and updated skills in school-aged children investigations. Townsend also looks forward to partnering with district agencies to increase productivity in the school system. The department will also strive for superior customer service.

### STEVEN SLUSS Paintsville Police Department

Steven Sluss was appointed chief of Paintsville Police Department on Aug. 29. Sluss has more than 30 years of law enforcement experience spending most of his time with the Paintsville Police Department. He served as Johnson County Jailer for four years. Sluss graduated from the DOCJT Basic Training Class No. 170. Sluss will continue the strong work in community-oriented policing already set by the former chief. He would like to go a step further and provide a family-oriented department. Sluss looks forward to moving the department forward and using social media to facilitate communication between the department and the community.

### R. ANDREW WILLIAMS Wilder Police Department

Andrew Williams was appointed chief of Wilder Police Department on Sept. 4. Williams has 20 years of law enforcement experience and began his law enforcement career at Wilder. He also served Southgate and Cold Springs police departments before returning to Wilder. Williams holds an associate's degree in criminal justice from Northern Kentucky University and is working towards his bachelor's degree. His long-term plan is to increase manpower, and he is working on a five-year plan for the department. Williams was born and raised in Wilder and considers it a complete honor and privilege to serve the city.

### KENNETH MATTINGLY Vine Grove Police Department

Kenneth Mattingly was appointed chief of Vine Grove Police Department on Sept. 10. Mattingly has 24 years of law enforcement experience and began his career at Vine Grove as a reserve officer. He served the Radcliff Police Department for 23 years and retired as patrol division commander. Mattingly returned to Vine Grove as a part-time officer and moved through the ranks to become chief. He graduated from DOCJT Basic Training Class No. 208. His goals are to update department policy and procedures, add more staff and seek grant and government-program funds to enhance the department's equipment.

### GREG FUGITT Louisa Police Department

Greg Fugitt was appointed chief of Louisa Police Department on Sept. 22, 2011. Fugitt began his law enforcement career with the Lawrence County Sheriff's Office and has 16 years of law enforcement experience. He graduated from DOCJT Basic Training Class No. 290 and APS Class No. 41. His long-term goal is to increase the size of the department's staff to better serve its ever-growing city.



OFFICERS OF THE YEAR



Trooper First Class Don Trosper (left) was named 2012 Kentucky State Police Public Affairs Officer of the Year and KSP Commercial Vehicle Enforcement Officer Steven Douglas (right) was named Commercial Vehicle Enforcement Public Affairs Officer of the Year. The duo received the recognition for their unparalleled dedication and support of Trooper Island, a free summer camp for underprivileged boys and girls ages 10 to 12, operated by KSP on Dale Hollow Lake in Clinton County. The camp, which hosts about 700 children each year, is operated entirely by donations.

KNOA Honors Leaders in Kentucky's Fight Against Drugs

Law enforcement officers, state lawmakers, and others actively engaged in the fight against substance abuse in Kentucky, were honored Nov. 5, at the Kentucky Narcotic Officers' Association annual conference. "To make drug enforcement effective it takes a major spirit of cooperation," said Tommy Loving, KNOA executive director. "There are many individuals who have contributed greatly in the fight against drugs in 2012, but these recipients stand out among their peers."

**Narcotic Officer of the Year awards were presented to:**

- Eastern District of Kentucky — Det. Richard Dalrymple, task force officer, Drug Enforcement Administration's London Resident Office, Laurel County Sheriff's Office, for his efforts in the fight against illegal drugs and dedication to drug enforcement in the state.
- Western District of Kentucky — Sgt. Tod B. Young, Warren County Sheriff's Office and a member of the Bowling Green-Warren County Drug Task Force, for his efforts in the fight against illegal drugs and dedication to drug enforcement in the state.
- Western District of Kentucky — Det. John S. Williams, Kentucky State Police and a member of the Bowling Green-Warren County Drug Task Force, for his efforts in the fight against illegal drugs and dedication to drug enforcement in the state.

Kentucky Selected to Participate in National Prescription-Drug Abuse Initiative

Kentucky will participate in a prescription-drug abuse initiative hosted by the National Governors' Association, joining Alabama, Arkansas, Colorado, New Mexico, Oregon and Virginia. Participants will develop and implement strategies that take advantage of available tools and resources to address this growing problem. "Prescription drug abuse continues to be the fastest growing drug-related issue facing our communities, and unfortunately, Kentucky is not alone in this plight," Gov. Steve Beshear said. "As the problem persists and spreads, we recognize that we need comprehensive regional and national strategies to combat the abuse, while ensuring that the legitimate medical needs of our citizens are met."

**As part of the initiative, the selected states will:**

- Participate in two, two-day policy academy meetings
- Participate in an in-state policy workshop
- Receive targeted technical assistance from NGA Center staff and a national faculty of experts
- Participate in networking activities
- Receive a \$45,000 subgrant to support related activities.

Davis Receives KWLEN Lifetime Achievement Award



▲ Left to right: Officer Mandi Johnson (WKUPD), Sharon Davis (DOCJT), Judge Sara Walter Combs (Kentucky Court of Appeals)

Sharon Davis received the 2012 Kentucky Women's Law Enforcement Network Lifetime Achievement Award in November. Davis began her law enforcement career with the Lexington Division of Police as a human resources analyst. She was then hired by the Kentucky Police Corps. Following her work with the Police Corps, Davis began work on a grant program through the Kentucky Office of Homeland Security for Department of Criminal Justice Training's Kentucky Community Preparedness Program, where she coordinated site visits to 141 communities, 37 airports and 50 additional locations throughout the state. Sharon became involved with KWLEN in 2002. She served two terms as treasurer, assisting the association in receiving its 501C3 denotation. Davis now serves as KWLEN's executive director.

KLEC Presents CDP Certificates

STAFF REPORT | KLEC

The Kentucky Law Enforcement Council's Career Development Program is a voluntary program that awards specialty certificates based on an individual's education, training and experience as a peace officer or telecommunicator. There are a total of 17 professional certificates; 12 for law enforcement that emphasize the career paths of patrol, investigations, traffic and management; and five certificates for telecommunications. The variety of certificates allows a person to individualize his or her course of study, just as someone would if pursuing a specific degree in college.

The KLEC congratulates and recognizes the following individuals for earning career development certificates. All have demonstrated a personal and professional commitment to their training, education and experience as a law enforcement officer or telecommunicator.

<b>INTERMEDIATE LAW ENFORCEMENT OFFICER</b> <b>Attorney General's Office</b> Kathryn Reed	<b>ADVANCED LAW ENFORCEMENT OFFICER</b> <b>Benton Police Department</b> William G. Treadway	<b>Fort Wright Police Department</b> Michael D. Knight	Michael E. Nichols
<b>Campbell County Police Department</b> Barrett J. Champagne	<b>Campbell County Police Department</b> Barrett J. Champagne	<b>Henderson Police Department</b> Frank A. Cates II	<b>INTERMEDIATE TELECOMMUNICATOR</b> <b>Bluegrass 911 Central Communications</b> Christina A. Napier
<b>Fort Wright Police Department</b> Brian N. Cornett	<b>Fayette County Public Schools</b> Christopher R. Townsend	<b>Hopkinsville Police Department</b> Martin L. Lopez	<b>Campbellsville 911 Communications</b> Mary Helen Grant
<b>Henderson Police Department</b> Frank A. Cates II	<b>Fort Wright Police Department</b> William B. Machal	<b>Owensboro Police Department</b> Lorhn G. Frazier	<b>Fayette County Public Schools</b> Roberta Jones
<b>Jessamine County Sheriff's Office</b> Anthony B. Purcell	<b>Henderson Police Department</b> Frank A. Cates II	<b>LAW ENFORCEMENT MANAGER</b> <b>Henderson Police Department</b> Frank A. Cates II Jeff Welch	<b>Radcliff Police Department</b> Jeffrey W. Hale
<b>Kenton County Sheriff's Office</b> Daniel L. Hampton	<b>Jessamine County Sheriff's Office</b> Anthony B. Purcell	<b>Madisonville Police Department</b> Mark J. Phaup	<b>TELECOMMUNICATION MANAGER/DIRECTOR</b> <b>Jessamine County 911</b> Tammy A. Durham
<b>Lexington Division of Police</b> Christopher R. Townsend	<b>London Police Department</b> Edward G. Herd	<b>LAW ENFORCEMENT OFFICER INVESTIGATOR</b> <b>Attorney General's Office</b> Kathryn Reed	<b>LAW ENFORCEMENT TRAINING OFFICER</b> <b>Cold Spring Police Department</b> David A. Hyett
<b>Louisville Metro Police Department</b> Robert S. Hensler Edwin D. Johnson Minerva V. Virola	<b>Marion Police Department</b> Marty K. Hodge	<b>Covington Police Department</b> Scott R. Dames	<b>Fort Wright Police Department</b> Daniel G. Martin
<b>Louisville Regional Airport Police Department</b> Dustin A. Flannery	<b>Owensboro Police Department</b> Brooke D. Borregard Jeffrey A. Burnett Eddie L. Champion Lorhn G. Frazier Marvin C. Holton Rick A. Latanzio James S. Martin Michael E. Nichols	<b>Danville Police Department</b> Sally J. Bustle	<b>LAW ENFORCEMENT OFFICER ADVANCED INVESTIGATOR</b> <b>Campbell County Police Department</b> Barrett J. Champagne
	<b>LAW ENFORCEMENT SUPERVISOR</b> <b>Danville Police Department</b> Robert L. Estill Jr.	<b>Jeffersontown Police Department</b> Steven E. Fisher	<b>Owensboro Police Department</b> Jeffrey D. Payne
		<b>Murray Police Department</b> Michael P. Robinson	<b>CRIME SCENE PROCESSING OFFICER</b> <b>Bowling Green Police Department</b> Matthew W. Davis
		<b>LAW ENFORCEMENT TRAFFIC OFFICER</b> <b>Owensboro Police Department</b> Eddie L. Champion	

KLEC Executive Committee Renamed

The 2013 Kentucky Law Enforcement Council Committee chair assignments were named at the Nov. 5 meeting. KLEC committee assignments are:

- Executive Committee Chair** — Keith Cain
- Executive Committee Vice Chair** — Luke Morgan
- Certification Committee Chair** — Michael Ward
- Curriculum Committee Chair** — Allen Ault
- Professional Standards Committee Chair** — Leslie Gannon

2013 KLEC Meeting Dates

The Kentucky Law Enforcement Council meets quarterly to discuss issues that affect law enforcement across the state. The 2013 meetings will be conducted at the Embassy Suites in Louisville. The meeting dates are Feb. 13-14, May 8-9, Aug. 7-8 and Nov. 13-14.





# CHARTING OLD TERRITORY

A 17-year veteran of the Bowling Green Police Department and a Purple Heart and Bronze Star recipient for his service in Afghanistan training the Afghan police force, Brett Hightower knows the ins and outs of law enforcement. In August, Hightower took over the law enforcement coordinator position for the western district of the U.S. Attorney's Office. The communication, leadership and training skills he acquired as an officer and as a military serviceman provide vital experience in helping law enforcement agencies throughout his 53-county region obtain training and assistance. >>

PHOTO BY JIM ROBERTSON

Profiling the dynamic transitions Brett Hightower has undergone in his journey to his newest position with the U.S. Attorney's Office

ABBIE DARST | PROGRAM COORDINATOR



>> **What about your background drew you to this position?** Definitely, it was the opportunity for a new challenge. Throughout my military and police career, I’ve always sought opportunities and challenges to solve problems and communicate with other groups of people. This particular job, being the primary liaison between the U.S. Attorney’s Office and local, state and federal agencies, really spoke to me as far as an opportunity to get back into the law enforcement arena and work with a lot of these agencies to enhance training opportunities, communication, and just the overall opportunity to serve.

**What are some of the most valuable experiences you had during your 17 years with the Bowling Green Police Department that prepared you take this position?** When you become a first-line supervisor, it is one of the most challenging and rewarding positions at any law enforcement agency. You are the conduit of information from the chief and the supervision, who have a certain vision, to your police officers who are dealing with issues and dynamics out on the street. Soon after I was promoted to a leadership position, they sent me to the Academy of Police Supervision at the Department of Criminal Justice Training. It is a great course, especially the fundamentals they teach about choices. It is stuff

everybody knows, but the class gives you a different perspective on how your choices affect the men and women who are working with you and for you. Their overall concept is that leadership is always the question. The leadership skills — honor, truth, integrity and justice — they are teaching are a very important aspect to having a successful agency.

So, I bring those communication skills I learned as a supervisor into this same realm. I am working with federal, state and local law enforcement agencies, as well as the U.S. Attorney’s Office, once again being that conduit for information, and ensuring everybody is on the same page and has the same goals and direction in the western district of Kentucky. We look at training needs. Using statistical information, the U.S. Attorney’s Office and the Department of Justice can help ensure agencies receive the training they need for their area. But, every area is completely different. What works in Paducah, may not work as much in Bowling Green, which may not work as well in Elizabethtown.

**How does the law enforcement coordinator position best serve Kentucky law enforcement officers and agencies?** I think I can best serve the Kentucky law enforcement community by being a conduit for training and communication. The longer I’m in this position, the more it will

afford me the opportunity to have some face-to-face communication with these agencies and see what needs they have. Then, I can come back and speak with the U.S. Attorney’s Office and look for certain training that is coming down from DOJ in order to get it to their collective areas. Overall, the services offered through this office and position help to sharpen officers’ skills and meet some of the needs that they have within certain areas.

**When you were a police officer, did you have experience working with state and federal agencies?** Over my career, I had been assigned to work with federal agencies on cases we had in Bowling Green. I also worked for Tommy Loving at the Warren County Drug Task Force. I was working first hand with the Bureau of Alcohol, Tobacco, Firearms and Explosives on cases as I worked with the task force on gang and drug investigations. Coming here, I found that some of the attorneys who worked in this office, I had previous experience working directly with as they had taken some of those cases through federal prosecution channels. I also was on our critical response team and helped with the Kentucky Tactical Officers’ Association, of which I had been a board member when it was formed, so I have plenty of experience working with the Kentucky State Police, Lexington Division of Police, Louisville

Metro Police, Elizabethtown, Paducah and all these agencies, through training.

**What are the law enforcement coordinator’s primary responsibilities?**

My role and primary responsibility is to improve the cooperation and communication among state, local and federal law enforcement agencies. I work to coordinate law enforcement activities and programs, including organization of seminars, conferences and training. It really is about enhancing the partnerships we already have formed. Our office provides various conferences that allow me to get out in the state and meet with chiefs and training officers and bring everyone collectively together. That interaction is not only good for this office, but it also is good for local police officers because they are getting face-to-face time with some of the federal agencies. Forming those relationships is vital because, in today’s day and time, if there is something that calls for the prosecution of a certain criminal, who may be really problematic for a certain area, officers may look to work with the local commonwealth’s attorney and U.S. Attorney’s Office to see through which avenue we might want to pursue prosecution. There are certain mandates federally where a certain crime may get a longer sentence when taken to federal prosecution.

So, forming those relationships ahead of time really helps. Instead of just stepping in cold, or picking up the phone to say, “Hey I want to know about this,” if you’ve met them, you’ve talked to them, you get their card, then you can say, “Hey, remember? I met you at this conference and we talked and you said for me to call you.” It’s really about building those relationships and trust and just collectively helping out the western part of Kentucky.

**Are there specific types of training on which the U.S. Attorney’s Office focuses?** We have Project Safe Neighborhood and Project Safe Child. Project Safe Neighborhood is mostly focused on gun crimes. So what we’ll do is bring in certain speakers who can talk about different characteristics of criminal behavior and some prosecution guidelines. We’re bringing in some real players in these federal agencies that can speak to local police agencies. Some of the training is requested by agencies, so it’s important for me to understand the statistical information in each area. If we look at these agencies and what they’re seeing, it can help us determine what type of training best suits their needs. If there is a spike in gun crimes or child sexual-abuse crimes, then we might put some pieces of training specific to those topics into the slated training we’re conducting.

**Another responsibility of the law enforcement coordinator is to coordinate projects with Fort Knox and Fort Campbell. What types of projects do you collaborate on with those entities?**

The DOJ, in partnership with U.S. Attorney’s Office, Fort Knox and Fort Campbell, is giving training to, and protecting the civil rights of, our service members. We work in collaboration to ensure that service members’ voting rights, housing rights, civil rights and Uniform Services Employment and Reemployment Rights (USERR Act) take place. In the past, there were some law suits where service members who had been deployed, were faulty on loan payments during deployment. Somebody would come, tow their vehicles and sell them. When the soldier came home, his or her car had been sold. These companies didn’t follow the proper channels to go through due process.

The U.S. Attorney’s Office helps to get some of those issues rectified and ensures these companies know the law as it affects service members. That’s the same with USERRA — when service members are gone and they come back, sometimes their jobs are not there for them. A lot of organizations don’t understand there is a certain due process they have to follow to hold service members’ positions. When they come home from serving their country, they shouldn’t come home to nothing.

We also cover voting rights. By enforcing the Uniform and Overseas Civilian >>

“I am working with federal, state and local law enforcement agencies, being that conduit for information, and ensuring everybody is on the same page and has the same goals and direction.”

▼ U.S. Attorney David Hale (left) welcomes Brett Hightower into his position as the law enforcement coordinator for the U.S. Attorney’s Office in the Western District of Kentucky. Hale and Hightower frequently discuss the needs of law enforcement agencies in their 53-county region.



PHOTO SUBMITTED

▼ Brett Hightower stands on mountains in Afghanistan, where he trained local police during his year-long deployment in late 2007 and 2008.



PHOTO SUBMITTED





▲ Brett Hightower was deployed to Afghanistan in 2007. While in Afghanistan, he worked with local Afghan police officers, teaching them basic principles of safety and security, as well as learning customs and dynamics of the Afghan culture. Because of the dangers associated with serving as an officer in rural Afghanistan, the local officers lived at the police facility.

>> Absentee Voting Act of 1986, service members have a right to vote and an assurance that has due process as well. We continue to work on and go to Fort Knox and Fort Campbell to speak to soldiers, because they might not be aware of these laws. When you take these laws and rights to units just returning home, they can say, “Hey wait, that’s happening to me right now.” Then, somebody can look into it a little more, and they can advise them to speak to JAG (Judge Advocate General) first. Then depending on what JAG recommends, we may need to take a different direction.

#### Did you come straight from the Bowling Green Police Department to this position?

That’s a loaded question. I left Bowling Green Police Department on Aug. 30, 2007 to go on what I thought would be a one-year deployment. I was selected as one of 16 people to be on a team of embedded trainers working with the Afghan local police. Initially, I worked on the Afghan/Pakistan border, with the border police. About four months into my deployment, there were issues further south, and they were building teams. I went with them for the next several months.

Two weeks before I was supposed to come home, I was injured. I was in the mountains and one of our police districts had been overrun. We were seeking out the enemy and checking some men who had been killed. As I approached one of the guys to check him, there were a couple of

fighters hiding in scrub bushes. When they came out, I didn’t see that one of them had a hand grenade, which he threw. The grenade went off — I never saw it; it happened so fast. That injury got me medevac’d out of the country to Germany where I was intubated for about seven days. My carotid artery was nicked and they banded it before I left the country to make sure it didn’t tear open. They had to permanently block off my left vertebral artery because shrapnel went through it, ricocheted off my C2 vertebra and fractured it, and then lodged in the spinal column. They had to do some surgical repair. Then I was flown back to the United States. I was in Bethesda, Md. at the Walter Reed National Military Medical Center for the next several weeks. I then was transitioned to Fort Knox to the Warrior Transition Unit. I had several reconstructive jaw surgeries and follow up surgeries. The entire process took about two and one half years. They had to take bone from my hip and graft it into my jaw and put in other screws and plates, and there were little follow-up surgeries, care and reconstructions. So, it had been three and one half years from the time I originally deployed. The oral surgeon in Vanderbilt said it was not prudent for me to go back into law enforcement because if I got hit in that jaw again, unless I enjoyed eating food through a straw, I really should think about getting into something less dangerous.

About two weeks after retiring from the military and law enforcement, I was hired

by the Wounded Warrior program at Fort Knox to work with severely injured soldiers. I worked there for about a year.

From 2007 to this year — about five years — I have been out of law enforcement, per se. But, I’m really excited about being back serving in a type of law enforcement capacity. There is something you do miss about the people. This brings me back into working with those same people I worked with in the past.

This job touches both parts of my background. I know specifically that was one of the things they looked at in the hiring process.

I always enjoyed my service to my country. People say, “I appreciate your service.” But it’s always been my honor to serve as both law enforcement and military — and law enforcement is a paramilitary organization, they are just on two different fronts. One is domestic, one is foreign, but they are doing the same thing. Law enforcement officers are on the front lines here and they are working sometimes under difficult situations. I’ve always been proud to serve in both capacities.

#### What were you specifically doing in Afghanistan with the police department?

It was a very hostile environment and there was a lot of difficulty. There was a class graduating from the police academy, and there were supposed to be 42 police officers coming to the agency. There was supposed to be this nice, formal hand off, but we showed up and there was almost

“I always enjoyed my service to my country. People say, ‘I appreciate your service.’ But it’s always been my honor to serve as both law enforcement and military.”

nobody there, except some of the police were there. Initially, we had about 32 police officers. What we were trying to work with them on was basic stuff, like shifts. They lived there and didn’t go back home; it was too dangerous. If the enemy knew they were police officers, there was a good chance they might not make it home. If they went into a village and went into a home, and somebody noticed it, their families may be in danger. So basically they lived there, but they didn’t know about shifts or safety and security of the police station. The station sat nestled in some mountains and it was a good idea to have people on guard. We might show up and they may be hanging out inside. Somebody actually could walk in with a bomb strapped to them. So we had to teach them that everybody that comes in needs to be searched, and there should be people watching. We worked with them on basic things like placing concertina wire around the perimeter and cleanliness of weapons.

A lot of times they were scared. It wasn’t like here where people volunteer to be police officers. We would have these meetings where the elders of these small, rural villages would meet and talk about issues. At some point before I arrived, they decided they needed to increase safety and security. Each elder chose two people from his village who were going to be police officers. Well, I’ve joked that if you’re a supervisor and the chief says to give him two guys, it’s not going to be your top performers. They saw it as an opportunity to get rid of some people. We were given people who had injuries, who may not be able to work in the fields because they had a hobbled foot. We got a different variety of police. But there were some gems in the group.

There was one sergeant who was, at first, very quiet, but over time, he stepped up more and more, and he became more involved. When we would do searches in the villages, he would go in and take specific inventory and make sure the inventoried gear and equipment made it to a police truck and back to their police station. A lot of the other guys would say, “Hey, we can sell this.” But he was really good about it. We often would have breakdowns in communication and people scared to do

things, and for the right reasons. They’d seen people shot and killed. Their police station had been overrun before and there was definitely a threat there every day.

There were a lot of dynamics we had to learn — lack of communication, the culture, the environment itself, what our mission was, the locals. This here is a whole lot easier.

#### As Kentucky’s law enforcement coordinator for the western district, what can officers in this jurisdiction do to help you better serve them?

It’s important that we collaborate on the needs of the community. This position has been vacant for the past few years due to budgetary issues and illness. And there is always change in police agencies. So a lot of police departments are unaware of this position and what the responsibilities of it are. They live and work within their communities. Although I can think I know what they need, they are the ones actually living there and can communicate with me about their needs. As I get out there more and more, we get to know each other on a relationship basis, they come to understand my roles and responsibilities and can pass on the needs of their communities, then we can open up a healthy dialogue.

I already have started generating some phone calls from agencies asking, “Hey, is this a possibility?” So I’m already starting to network and work on those collective efforts to create the most relevant and productive training for their region.

#### What are the biggest challenges you anticipate in this position?

I think the biggest challenge is having 53 counties of which to take care. In those counties, there are large and small agencies that have completely different needs. For me, just understanding the different needs that are out there and trying to curtail certain training into the different geographic areas is somewhat challenging. Also, I want to create a database so that if I want to look at a certain county/region, I can easily pull up all of the police agencies within that, so that I can more effectively communicate. Those are some of the things on which I’m working. 🍷

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# ABOVE AND BEYOND: ADVANCED INDIVIDUAL TRAINING

KELLY FOREMAN | PUBLIC INFORMATION OFFICER



PHOTO BY JIM ROBERTSON

“Anyone who has given any thought at all to the professionalization of law enforcement personnel, or to obtaining general recognition of law enforcement as a profession, will have to agree that one of the most important steps we must take in its accomplishment is the establishment of educational standards and training ...,” George Brereton wrote in his 1961 article “The Importance of Training and Education in the Professionalization of Law Enforcement.”

More than 50 years later, Brereton’s statement couldn’t be more true. It is a concept recognized by law enforcement professionals across the commonwealth and leaders in the state legislature, who enacted the Peace Officer Professional Standards in 1998 and mandated annual training for all certified officers.

After POPS’ enactment, all new recruits were required to attend the Department of Criminal Justice Training’s Basic Training to build a strong foundation in effective conduct, technique and legality. But because law enforcement never sleeps, a crucial part of DOCJT’s training is found in advanced individual training — career development courses offered for officers and public dispatchers to update, expand and improve their knowledge about current issues in the field.

More than 20 instructors anchor this branch of the agency’s training and teach topics ranging from patrol and investigative skills to advanced public dispatching. In 2013, the new schedule includes 25 new courses to round out the 127 offered across the state.

“AIT and leadership classes provide training that equals or exceeds the job-task duties of the officers, deputies and dispatchers who are serving in the field,” said DOCJT AIT Branch Manager J.R. Brown, “ensuring that they have the opportunity to be the very best they can be and provide the best service to their communities that they can provide. The most important people at DOCJT are our students.”

## PATROL AND TRAFFIC

*New 2013 classes*

- Rapid Deployment Coordinator
- Court Security Officer In-Service 2013/2014
- Chaplaincy — Advanced 2013
- Legal Issues 2013 (In classroom and online)

As technology advances, the street officer is responsible for more than ever, said Patrol and Traffic Section Supervisor Frank Kubala.

“All in-service training, obviously, is important,” he said. “It is critical in today’s world. I’ve been involved in law enforcement for 27 years, and more and more and more keeps getting piled on law enforcement. They worry about things today I didn’t worry about 27 years ago. It’s just a product of our society. It is critical that we continue the mission of the agency to supply the very best and most up-to-date training.”

DOCJT’s patrol and traffic section offers courses ranging from updates on DUI testing and legal issues to advanced training in specialty units, like chaplains or school resource officers, with everything in between. Basic courses, like Investigative Skills for Patrol and Stress and Wellness, are paired with those for rising officers taking on more responsibilities in courses like, Leadership is a Behavior and Police Training Officer.

The eight instructors — including two in the agency’s Louisville branch — who teach these courses have developed curriculum that is a must-have for Kentucky’s officers.

## Rapid Deployment

“It is being taught 11 times a year and is overfilled with students on standby because of the importance of the class,” he said. “... Every officer needs to be trained and ready to go with this.” (see article, p. 26)

Rapid deployment is a hot topic on a national level, Kubala said, and DOCJT is lucky to have two instructors with a breadth of experience on the subject. The instructors address a variety of active-shooter situations, rapid deployment tactics and the need for patrol rapid-deployment response. The majority of the week-long course is active, hands-on training.

## Crisis Intervention Team Training for Kentucky Law Enforcement

Crisis Intervention Team Training teaches officers how to effectively interact with people who have psychiatric disabilities, Kubala said. The course addresses active listening, de-escalation and more with input from mental health professionals in the area.

“It’s very valuable training,” Kubala said. “It goes along with the rapid deployment training in that it is a piece of that puzzle. If they are actively shooting, we’re not going to talk to them. But if they aren’t, we use these skills to try to diffuse the situation. These skills are applicable from one class to the other.”

## Investigative Skills for Patrol

Developed largely because of the state’s demographics, Kubala said this course addresses the fact that in a small law enforcement agency, patrol officers are their own

detectives. These investigative skills are among those often referred to as perishable — meaning that if officers are not continually trained on these necessary tools, they can be lost over time.

“This course gives officers the confidence to work cases — burglary, thefts, etc. — and goes back over some of the skills they were taught in basic training,” Kubala said. “They learn crime-scene photography, how to process crime scenes, evidence collection, interviewing skills and how to begin an investigation.”

## Patrol: First Responder

Motorcycle gangs are coming back to Kentucky, and have been identified in the western and northern areas of the state, Kubala said. The course has recently been updated. Additionally, class participants address prescription drug issues, survival stress, family abuse-type calls and the other types of calls in which they most often will be the first to respond, he said.

## INVESTIGATION

*New 2013 Classes*

- Cyber Investigation 220 — Wireless Network Investigation
- Domestic Abuse and Sexual Assault Symposium
- Excel Spreadsheet for Law Enforcement
- Financial Crimes Against Seniors
- Kentucky Criminalistics Academy
- Kentucky Investigation — 2013
- Operation Jetway
- Responding to Crimes Against Children
- Responding to Elder Abuse Crimes >>

“It is critical that we continue the mission of the agency to supply the very best and most up-to-date training.”



>> When a citizen calls for help, patrol is the first line of law enforcement to respond, said Oakie Greer, Investigation Section Supervisor.

“But a lot of times, a crime has been committed that goes beyond just the basic response of an individual,” he continued. “You have to do an investigation. You have to find out the who, what, why, when and where of the crime. A lot of times a patrol officer will have to call on an investigator. Or, in the case of many of the agencies we train here, the patrolman is the investigator. You have to have some investigative skills to know what the next step should be.”

The DOCJT Investigation Section offers a wide range of specialized courses, as well as the Kentucky Criminalistics Academy which is a two-part course — each five weeks long — delivering both a demanding and comprehensive look at serious crimes.

In an investigation, an officer has to take the case a little further than that immediate response, Greer said.

“They have to have some basic skills of how to talk to people, how to get information out of people — what are the right questions to ask?” he said. “And what do you do once you get those answers? Where do you go from there? Doing an investigation is like working a big puzzle. Each part has a place in the investigation and training officers to be investigators teaches them where to put the pieces.”

The eight Investigation instructors will teach 39 separate investigative classes in 2013 — the majority of them week-long courses. Most classes are offered multiple times, meaning the instructors are responsible for roughly 180 to 200 class sessions annually. Crimes covered include homicide, domestic violence, elder abuse, child abuse, sexual assault, robbery, cybercrimes and more, Greer said.

#### ***Excel Spreadsheet for Law Enforcement***

As part of the commonly-used Microsoft Office software package, many people today are familiar with the Microsoft Excel program for basic functions. This new course will take students well beyond basic, focusing on using Excel as a valuable tool in drug investigation.

“We’re going to talk about how we can use it to put data into the spreadsheets and use them for intelligence gathering and how we can use Excel in our criminal investigation to build our data,” said Investigation Instructor Jeff Hancock.

The class also focuses on how this program can be practical in drug cases, financial investigation, documenting and analyzing crime statistics, cell phone and computer investigation. The class will be offered twice in its freshman year, in mid-summer and early fall.

#### ***Interviews and Interrogations***

This 40-hour class is specially developed to

communicate skills that every officer needs, Greer said.

“It’s a class we teach 10 to 12 times per year, and includes the basic interview of suspects and interrogation of perpetrators,” he said. “It is kind of the first step in an investigative process.”

In 2013, this course will be taught all across the state nearly every month. As with all DOCJT courses, it involves practical exercises, and officers work together in teams to conduct a variety of interviews and investigation.

#### ***Crime Scene Investigation***

Just as important as interviewing is processing a crime scene. Another staple of the Investigation Section, Crime Scene Investigation hones practical skills officers need to know when they find themselves on scene.

“What pieces of evidence are going to be pertinent to your case?” Greer asked. “How do you collect that evidence in a way that it will be able to be presented in court? Securing your evidence — those simple steps of, if you see something on the ground that’s involved in your crime, do you just run over and pick it up? Do you take a picture of it first? Do you check it for fingerprints? Do you use gloves? Do you want to use some method of securing that piece of evidence? It becomes part of the puzzle.”

#### ***Kentucky Investigation***

Kentucky Investigation is an upper-level

course for seasoned investigators to meet each year and delve into the latest hot topics. Issues range from robbery to sex crimes, and courses include guest instructors who come together for a week of information sharing and networking. This application-based class is updated annually and allows students to study a range of crimes and investigative tools in a concise setting.

“They offer a lot of different things,” Greer said. “There are always people out there who are specialized. Like a detective from Kentucky State Police who worked on a big case the year before, they will bring that and do a case study.”

#### **ADVANCED TELECOMMUNICATIONS**

##### *New 2013 Classes*

- Critical Incident Training for Dispatchers
- Dispatching Critical Calls
- Kentucky Law Enforcement Support Team — 2013
- The Dispatcher’s Role in Specialized Response Events
- Telecommunications Advanced Leadership Kentucky

Like officers, Kentucky’s dispatchers must meet annual requirements for continuing education. The Advanced Telecommunications Section instructors have built an arsenal of courses that address a range of topics from ethics and

cultural awareness to leadership and critical-incident training.

#### ***Ethics and Teambuilding***

These two courses are at the core of the Advanced Telecommunications training, said Imelda Hester, supervisor of the section. Integrating the low-ropes course challenge and group projects, dispatchers not only have fun, but learn from the experience of working together in tense situations.

“When you are placed in a position of trust, you have to be a good person,” she said. “When you are placed in a dilemma, you have to make the right decisions.”

Branch Manager J.R. Brown agreed, noting that having a well-trained, responsible dispatcher is an integral part of any emergency response.

**23** Full time instructors in the Advanced Individual Training branch

**282** AIT courses taught in 2012

**9,940** Students taught in 2012 DOCJT courses

“They are the first on scene when they pick up that phone,” he said. “What they do can impact the response of the officers, and their continued development is just as important as our officers’. Every officer who has yelled for help at 2 a.m. understands that. To have someone competent on the other end of that radio is extremely important.”

#### ***Leadership***

Developing strong leaders is a natural evolution from the core dispatcher training, and the Advanced Telecommunications instructors continue to bring new ideas together under the executive development group of courses.

Formerly a three-part group of courses, Telecommunication Executive Development courses one, two and three, have >>

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>> now merged into the new Telecommunications Advanced Leadership Kentucky course. The course now can be finished in one year, where the TED courses previously could take several years to complete.

“When an agency allows a dispatcher to sign up, they are committing to the entire program, which is 120 hours and one week per month,” said Advanced Telecommunications Instructor Amanda Basham. “These courses give them the tools they need to run their communication centers.”

Additionally, the leadership courses instill professional skills, like how to approach and talk with the county fiscal court or city commission members about the center’s needs or activities. Students learn the same six pillars of character — trustworthiness, respect, responsibility, fairness, caring and citizenship — that are taught in DOCJT’s law enforcement leadership courses.

Like with most public safety, dispatching critical calls each day and handling the emergencies of strangers can become overwhelming and stressful, often causing individuals to become complacent. Giving dispatchers the tools to handle that stress and chronic panic allows them to maintain their focus on the job.

“Some people have windows, some do not,” Hester said. “Sometimes they are by themselves all day or with the same person every day. You tend to forget that this could be the first time this 80-year-old lady has

called 911. You can’t let things get to you. We have to remind them that when that 80-year-old lady calls, it is important to her. It could be another dementia call, but you have to treat each call like it is all you have going on.”

#### **‘A HECK OF A LONG WAY’**

In his 18 years with the agency, Branch Manager Brown has seen DOCJT develop, expand and improve to offer not only a wider variety of training options, but a higher caliber of education. He noted his confidence that the instructors who teach these courses day in and day out are among some of the very best he has seen in his tenure.

“Students learn the same six pillars of character — trustworthiness, respect, responsibility, fairness, caring and citizenship — that are taught in DOCJT’s law enforcement leadership courses.”

“In 18 years, we have come a heck of a long way,” he said. “I wish I had some of these courses when I was working the road. It’s not just one particular instructor. It’s fun for me to read the evaluations for all the courses when students write comments like, ‘best class I ever had,’ ‘the instructor made the class,’ or ‘I underestimated the value this training would have.’ They have an internal passion for the job. I don’t make them do that — they do it because they want to. The whole strength of AIT is built on the integrity of these instructors.”

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# RAPID DEPLOYMENT

## — IT'S EVERYONE'S RESPONSIBILITY

**The Rapid Deployment Coordinators** course is offered twice in 2013, in September and October. Interested officers must submit an application by April 1. To qualify for the class, applicants must complete the Basic Rapid Deployment class, have at least five years of experience as a sworn officer and current CPR/first aid cards.

Bang! Pop, pop!

A bomb explodes in a nearby field, just as shots ring out across a grassy area outside the school cafeteria. Immediately one young girl is killed and another boy injured as two cold-blooded, trench coat clad murderers begin spraying their arsenal of ammunition across the school grounds of Columbine High School in Littleton, Colo. After a stark disappointment that two large propane bombs, planted minutes earlier in the cafeteria, didn't explode, the determined killers walked across the parking lot where they had been waiting and watching, armed with guns, ammo, knives and bombs. Beginning in the cafeteria, and

marching through the entire school with a gleeful banter, they took the lives of 13 people and injured dozens in a well thought out, scarily executed plan that turned the nation upside down with sadness, fear and a stockpile of questions.

While millions across the country pleaded to understand, the resounding question for the nation's law enforcement officers was, "What now?"

"The idea, in a shooting occurring pre-Columbine, was for officers to hold the scene until SWAT arrived," said Frank Kubala, Patrol and Traffic Section supervisor for the Department of Criminal Justice Training. "Columbine changed

that mentality. Now police officers have to go into an active shooting and handle the situation."

During the 47-minute siege on the school, patrol officers mostly remained outside the building, returning shots the two teenage shooters randomly fired from school windows at police and EMS personnel. It wasn't until after the two boys committed suicide that law enforcement officers entered the school and began clearing out both the injured and non-injured survivors. One teacher died in a classroom awaiting SWAT's arrival for help and security.

The events at Columbine High School, more than 13 years ago, were not the first of their kind, nor have they been the last. In response to the tragedy, DOCJT developed a class that radically changed the perception of a patrol officer's duties and responsibilities in a scenario similar to that of Columbine. The Rapid Deployment class, a 40-hour course, takes the tactics and knowledge of SWAT specialists and places them squarely on the shoulders of average patrol officers — the ones who, more than likely, first will be on the scene.

"It's important because in work places and schools, where there are large amounts

of people to consider, especially kids — these officers are going to go when they hear that call," said Officer Scott Barrow, with the Kentucky Department of Fish and Wildlife Resources and a student in the Advanced Rapid Deployment course. "They may have family or friends there, and there will be a fast influx of officers from different departments at the same time. This stuff has nothing to do with SWAT, it is the patrol units responding. Knowing what to do is a necessity because we are going to be responding and this training goes against the grain of what we've been taught before.

"This is more aggressive," he continued. "They are taught to find the threat as the shooting is going on, instead of containing the situation and waiting for SWAT."

This change in mentality is imperative to a successful law enforcement response to critical, active-shooter or other emergency situations, said Rapid Deployment Instructor Barry Blair.

"The easiest way to describe it is hostage rescue for patrol officers," he said. "It's an area where there has traditionally been a void in patrol officers' training to experience things like this. But, on a daily basis we expect them to do it. The expectation of the public is that any law enforcement officer can handle these situations."

Blair, along with DOCJT Instructor Bill Sullivan share first-hand knowledge and experience with students during both the basic and advanced rapid deployment courses. Blair spent eight years on a Kentucky State Police Special Response Team where he trained on everything from high-risk warrant service, hostage rescue and hostage barricade situations, to snipers, chemical munitions and breaching tactics. Blair also has trained law enforcement, military Special Forces and SWAT teams from all over the world as a national trainer.

Likewise, Sullivan, a retired KSP major with 27 years of law enforcement experience, brings more than 20 years of expertise in the areas of special response and counter-terrorism intelligence into this training. He has earned a total of 75 certifications in basic and advanced SWAT, hostage rescue, explosive breaching instructor, chemical munitions instructor and hostage negotiations, to name a few.

The basic class, which usually runs a little longer than 40 hours, Blair said, focuses on hands-on scenario training. While

some classroom time is necessary to give a historical perspective on why the training is pertinent and necessary for patrol officers, the instructors take every opportunity for the officers to experience realistic training with the use of simunitions.

"We want to tell them, show them and let them do it for themselves," Blair said. "Our mission is to provide realistic training and give them as much of the stress they will experience as we can. It lets them learn a lot about not just the tactics and techniques, but also about themselves and how they respond to the added stressors we put on them."

The exceptional experience of Blair and Sullivan makes the class outstanding, Kubala said. In addition, DOCJT's breaching facility at the Boonsboro Range is second to none in the nation. But unfortunately, these are perishable skills — if the skills are not consistently practiced, even the best techniques become ineffective and response is slower.

To counteract diminishing skills, in 2013 the Patrol and Traffic Section will introduce an 80-hour Rapid Deployment Coordinator course. Designed to expand on the fundamentals and tactics learned in the basic Rapid Deployment course, the coordinators class will equip students with not only the latest skills and techniques for immediate action, breaching and advanced shooting, but also with the ability to take these skills back to their agencies and regions and coordinate on-going scenario training with their peers.

"We can only send so many officers to training each year," said Covington Police Officer Mike Lusardi, an eight-year veteran who attended the Advanced Rapid Deployment course in October. "But I can take this knowledge and these techniques and share them at my agency, about how to breach and gain entry, how to properly break glass and secure the scene quickly."

That is exactly the point of the coordinator's class. Attendees can spend two weeks filling up on knowledge, tactics, techniques and the ability to design scenarios to take back to their regions and put into practice with those officers with whom they will actually be responding to local incidents, Kubala said. 📌

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PHOTO BY JIM ROBERTSON





Sheriff Charlie Williams

Hardin County Sheriff

Charlie Williams has served his entire 27-year law enforcement career at the Hardin County Sheriff's Office. He came through the ranks as deputy, sergeant, lieutenant, major, chief deputy, acting sheriff and sheriff. He has served in investigations and court security, and as a DARE instructor and arson investigator for the county. This is his third term as sheriff. He and his wife, Jeanette, have been married for 36 years. They have one daughter, Sarah, a son-in-law, Adam, and one granddaughter, Adelynn.

WHAT CHANGES HAVE YOU SEEN IN LAW ENFORCEMENT IN YOUR 27 YEARS WITH THE HARDIN COUNTY SHERIFF'S OFFICE?

I think the No. 1 change in sheriffs' offices throughout the state is professionalism. The first thing that allowed for more professionalism occurred in 1982. This was the first year sheriffs were allowed to succeed themselves in office. It allowed an elected sheriff to look beyond a four-year term and plan for the future. Deputies began to look at sheriffs' offices as a career and not simply working there until they could find a job at another agency. The second biggest change would be acceptance into the law enforcement community. This acceptance came at a high cost. It took the line-of-duty deaths of several deputies and sheriffs performing their law enforcement duties before the legislators, citizens and training providers accepted the fact that if we are asking sheriffs and deputies to perform law enforcement functions, then they should be provided the same training as any other officer.

The loyalty my staff exhibits to their profession, our agency and their families is outstanding.

The Peace Officer Professional Standards and the Certified Court Security Officer training implementation made a tremendous impact on sheriffs' offices. POPS and CCSO put everyone on an even playing field. Qualify under POPS or CCSO, and you can be considered for hire. Today Kentucky sheriffs are no longer shunned when it comes to training opportunities. Sheriffs and their deputies are among the most highly-trained professionals in the state. The motto of the Kentucky Sheriffs' Association is "No sheriff stands alone," and I believe our association has played a major role in the forward progression of Kentucky sheriffs.

WHAT DO YOU AS AN AGENCY DO TO GIVE BACK TO THE COMMUNITY, AND WHY IS IT IMPORTANT?

I also am a state-certified firefighter, and for the past 34 years, I have been involved with the WHAS Crusade for Children, an annual charity known throughout central Kentucky. Several of my deputies also are volunteer firefighters, and we have seen how the monies collected for this charity are coming back to the Hardin County community. We all know kids who have been helped by their efforts.

Also, one of my deputies has an 8-year-old daughter, Sydney, who is fighting the "cancer monster" for the second time. Her first battle was when she was 2. She is one tough cookie, but she has a long road of treatment and recovery ahead of her. The caring employees of the

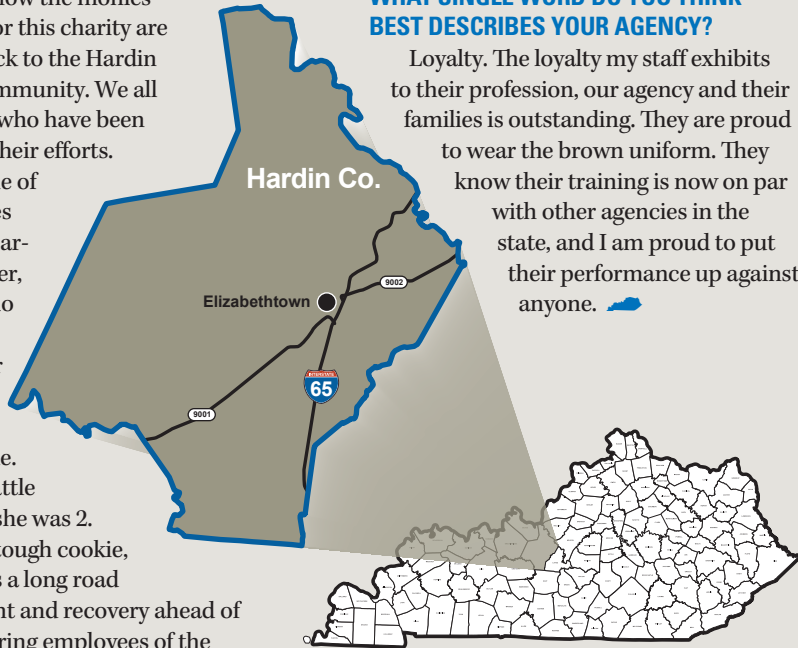
Hardin County Sheriff's Office and the citizens of Hardin County have rallied behind Sydney and her family to ease the financial burden facing them. Our employees are donating their sick time to Sydney's Dad and the community is sponsoring numerous fundraisers. When one hurts we all hurt, and no sheriff stands alone.

HAVING BEEN APPOINTED TO THE KENTUCKY LAW ENFORCEMENT COUNCIL, HOW IMPORTANT WILL IT BE FOR YOU TO ADDRESS CONCERNS FOR SHERIFFS?

Actually, I have been on the Council for the past few years as the KSA representative. I feel it is very important that sheriffs be on the council. Sheriffs and their deputies are expected to do everything other law enforcement officers have to do, but we have constitutional duties that we must fulfill. Court security, tax collection and enforcement of election laws are duties that sheriffs don't take lightly. Sheriff representations on the KLEC have shown the need for specialized training in these areas.

WHAT SINGLE WORD DO YOU THINK BEST DESCRIBES YOUR AGENCY?

Loyalty. The loyalty my staff exhibits to their profession, our agency and their families is outstanding. They are proud to wear the brown uniform. They know their training is now on par with other agencies in the state, and I am proud to put their performance up against anyone.



Chief Keith Middleton

Stanford Police Department

Victor Keith Middleton attended Georgetown College and Eastern Kentucky University. Middleton joined the Stanford Police Department in 1989. He was recognized by the House of Representatives and the governor for his investigation work on international child pornography. Middleton was inducted into the American Police Hall of Fame in 1995. He served the Danville Police Department before returning to Stanford in 1996. He was appointed chief of Stanford in 1997. He has received the Outstanding Service Award from the Veterans of Foreign Wars and the Community Service Award for a kidnapping investigation from Fort Logan Hospital of a newborn infant. Middleton was also awarded the Medal of Valor for his life saving actions at the Corman residential explosion.

AS A MEMBER OF THE KENTUCKY LAW ENFORCEMENT COUNCIL, HOW IMPORTANT IS IT FOR YOU TO ADDRESS THE CONCERNS OF SMALLER DEPARTMENTS?

My appointment to KLEC will hopefully bring a perspective about training needs and similar subjects, which are not issues in larger departments. Officers in smaller departments don't have the luxury of calling a detective or crime scene unit to collect evidence or work a case. Smaller departments often do not have backup for calls nor time to wait. I feel training tends to be oriented toward larger departments with an abundance of staff, which can neglect development of individual officer skill sets.

WHAT MAKES YOU UNIQUE FROM OTHER LAW ENFORCEMENT AGENCIES IN KENTUCKY?

I don't feel that I am unique from any

I was blessed with enough life experience to understand that my title is not as important as my people.

other small-town chief. I work calls just like every other officer on the department. When I took over as chief, I did have an idea about where I wanted to take the agency. First, I set goals for the department and put key positions in place, such as a full-time investigative section to work cases and a rank structure with the best people I could get. Over the years, I've had some of the best officers in the state, and still do with training that benefits the agency. We obtained as much equipment as we could, along with pay and benefits. I was blessed with enough life experience to understand that my title is not as important as my people. We too often forget the word "serve." With me, being the chief makes me the "head of servants," first to my officers, then to the residents and then the city. You cannot lead unless you understand the needs of your officers, the administration and your community.

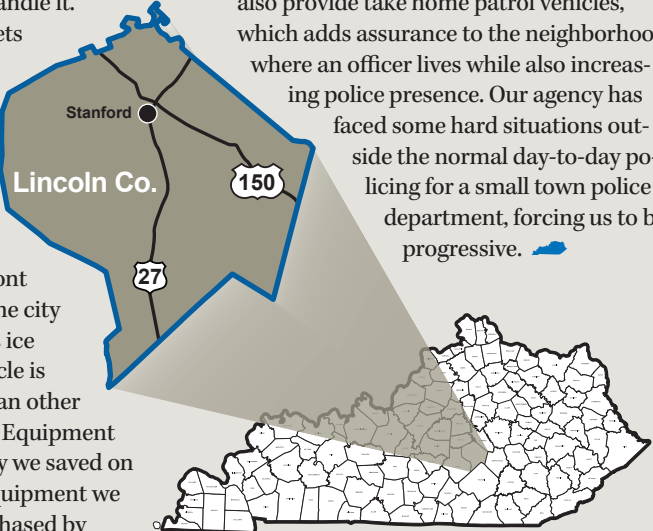
HOW HAVE YOU ADAPTED AND OVERCOME DEPARTMENT SHORTAGES IN FINANCE, EQUIPMENT AND MANPOWER?

The finance part is always a problem for every department. All you can do is make a budget and fight to keep what you can. In lean years you get less than you need, but you figure out ways to handle it. When the price of fuel gets too high, you cut miles on patrol or double officers into one unit. We have gone with patrol vehicles that get better mileage, and in doing so we also found other benefits. Front wheel drive vehicles in the city are great for the winter's ice and snow and each vehicle is about \$3,500 cheaper than other police-package vehicles. Equipment is purchased with money we saved on a new vehicle. Special equipment we furnished has been purchased by

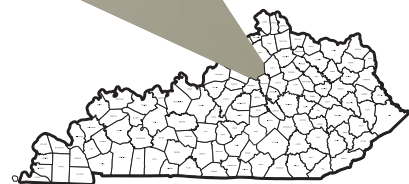
spreading the costs over months, instead of spending in one lump sum and through the use of drug forfeitures and grants. Manpower is an issue of its own, due to training, vacation and sick time. We're very seldom at full staff. We've started using part-time officers as a big part of staffing, by employing retired officers and officers looking to land a full-time position. They can cover two or three shifts per week and give extra coverage during large events. Retired officers bring so many good things to a department such as experience, knowledge, training and contacts. They are a valuable tool for smaller agencies. I can employ three part-time officers for less than the cost of one full-time officer.

WHAT SINGLE WORD DO YOU THINK BEST DESCRIBES YOUR DEPARTMENT AND WHY?

Progressive. When I started with the city it was bad — low pay, one vehicle, no insurance, no retirement and no equipment. We have since increased pay, and added hazardous-duty retirement, full-paid medical, and a full-time detective section. Each officer is issued a patrol rifle, hand gun, back-up hand gun, shotgun, ballistic vest, TASER and haz-mat gear. We also provide take home patrol vehicles, which adds assurance to the neighborhood where an officer lives while also increasing police presence. Our agency has faced some hard situations outside the normal day-to-day policing for a small town police department, forcing us to be progressive.







Kentucky State University  
Police Officer

**Sirrethia Fox**

ABBIE DARST | PROGRAM COORDINATOR

PHOTO BY JIM ROBERTSON

Officer Sirrethia Fox first came to Kentucky State University on a track scholarship in the early '90s — and decided never to leave. Now, a 10-year veteran of KSU Police Department and married for 12 years, this mother of two epitomizes community service and personal dedication. Fox's friendly disposition and desire for constant improvement makes her an asset to her department and a welcome image in her community.

**I was the first to win** a cross-country national championship for KSU. We went on to win a couple national championships after that. I have three championship rings from KSU.

**I became an officer** because I always thought I'd love to make a change within the community. But, other officers would say, 'We need you; you can run fast.' But I never thought it was about running and chasing down bad people, I just always felt like I wanted to make a change.

**I find the trust within our community.** I always go out and speak with folks and wave. If you can gain trust within your community, and they can see you're out speaking and being friendly and that you really care, there will always be positive feedback. I try to build trust with everybody. Even if it's the little old man driving down the road in his golf cart every day, I stop and ask him how his day is going.

**The first day I met Chief (Stephanie) Bastin, I knew she was something special,** and she was going to make this department great. She came in, took over and started making changes right away. And the changes she made were awesome, outstanding changes. When I realized this was going to be a good thing, I decided to stay and never regretted it. In the six years I worked here before she came, there were times I thought about going to other departments, but now there are times when people try to recruit me and I say, 'No, I'm not going anywhere. I love it right where I'm at.'

**I remember when I first got into law enforcement** always thinking this is a man's job. I used to be the only female officer, and I came to work looking like a Plain Jane — I was just one of the guys. Then when chief

and assistant chief came on board, and we got more female officers, I started to feel and be more like a woman. Many of the guys would be like, 'Hey, you look good today.' They started seeing the change in me, too.

**The thing I like doing more than anything** is working on and solving cases. Every time a case comes in, I snatch it up from the other officers. Especially those cases where I know I am going to have to dig, to look hard for evidence to find out who did this. It's like I am addicted to it. Sgt. Lane Crawley, who is retired from Georgetown Police Department, came here and he really has helped me strengthen my skills and learn the ropes of being a good detective. He says I already had it naturally, but he taught me a whole lot.

**On a campus,** when dealing with a lot of kids, you are setting an example — molding them to succeed in a bigger world once they get out there. You take them under your wing, and they are like your kids. What makes it so good is when you know you've made a difference in somebody's life.

**The one thing that sticks in my mind the most** is a young man who was so depressed he tried to take his own life. He had been to several counselors. He called one day when he was depressed and wanted to speak with me — and after I spoke with him, everything was alright. At the end of the day, I felt like I had accomplished something. That's when I realized if I can make a change in someone's life like that, I also can make a change in everybody else's lives on campus.

**Everybody is equal,** you treat everybody the same no matter what. I always was taught that by my father. That's what I try to do.

**My dad was there for everything** — every track meet, every volleyball game, every basketball game, no matter how good or bad we were. And if we were bad, he was trying to make us better. I think that is what stuck with me, even in law enforcement. I started

*I just come to work to do what I was sworn to do and that's serve and protect the community.*

out and I was alright, but I'm going to keep trying until I get better. Then I'm going to go from better to excellent.

**I'm just going to always be me.** Like every other officer out there, I don't come in with a cape on or an 'S' on my chest every day, thinking I'm some superhero. I just come to work to do what I was sworn to do and that's serve and protect the community. I live by that, and I will continue to do so. I took that oath 10 years ago and I'm going to continue to do that until the day I retire.

**My 9-year-old and 4-year-old daughters** are always portraying things I do, or acting like they are police officers. I remember my daughter coming to me saying she was going to be a police officer when she grew up. I was going to say, 'No, you're not.' But I got to thinking about it, and you know what, she would make a great officer because the things she does remind me of me. She's such a great kid — helping others already.

**That's been a good trait with my family** — it's always been about helping people. It's been a part of my life forever. My grandfather, in the Florida countryside, owned a farm. Every Saturday they would slaughter a hog and go to the garden and pick vegetables and then split it with the people in the countryside. That's just the way I grew up. We learned to share and help others, and that has stuck with me and helped me become a better police officer.

**My husband is a truck driver,** so sometimes I feel like I am a single mother. Usually he's home at least once through the week and he's home every weekend. Sometimes, it's stressful. But I have my work family. My chief says we have names for everybody — work sister, work brother. We have work husbands and work wives. It's crazy, but we love each other and that helps us get through the day.

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# Fit for Duty, Fit for Life PART I.

ABBIE DARST | PROGRAM COORDINATOR

**Wellness — wĕl'nīs):** the state of good mental, physical and emotional health.

You are embarking on the **first** of a **four-part series** about officer wellness. Every law enforcement officer is faced with similar life stressors as the rest of the public, such as family matters, hectic schedules and financial shortfalls. But throw in shift work and the accelerated pace of a high-risk job, and law enforcement officers easily can lose balance and fall off the wellness wagon in their physical, emotional and even mental health. This series of short wellness-based articles will help Kentucky's officers take a closer look at aspects of their overall wellness practices and shortcomings and be encouraged and motivated to make a positive change.



All Kentucky law enforcement officers with 13 years or less service originally were hired under statewide standards which required a basic level of physical fitness to even be considered for the position they sought. They joined the force knowing the expectation, and whether it challenged or motivated them, these officers did the work, passed the test and dawned their careers "fit for duty."

But then what?

"Most recruits know that to be a police officer you have to be stronger, faster; when they leave the academy they are in the best shape of their lives or at least comparable to where they once were as an athlete, in some cases," said Buck Adkins, a Department of Criminal Justice Training instructor in the Physical Fitness and Defensive Tactics Section. "But then they start shift work, and ... they start eating fast food — 99 cent heart attacks in a bag — and sit idle in their cars for eight, 10 or 12 hours a day.

"They sit and eat, and over the first few months, that's OK because they may continue to work out," he continued. "But many become complacent and stop working out altogether."

In this profession the numbers are against them, the time and the food also are against them. If officers initially thought physical fitness was important, Adkins questioned, why do they give up on it?

## IT'S CRITICAL

Though a large portion of a beat officer's time is spent cruising on patrol, any given moment may demand a sudden, strenuous exertion and exceptional physical performance. In fact, a majority of an officer's job-related duties are sedentary in nature — vehicle patrol, investigative activity, paper work and public education. Such tasks are not conducive to the maintenance of a high level of physical fitness.

On the flip side, during an emergency, an officer is required to use large muscle groups and related connective tissues in activities like pursuit, arrest and restraint of suspects; victim extrication and rescue; high-speed motor vehicle operations; and the use of firearms and non-lethal weapons. The stresses placed on various muscle groups are, in turn, transferred to the cardiovascular system, causing heart rates to exceed 90 percent of their maximum and pulse to go above 170 beats per minute, a >>

◀ Frankfort Police Department Officer Mike Wells keeps a focus on his physical fitness regimen while attending in-service classes at the Department of Criminal Justice Training. For Wells, the ample equipment available in DOCJT's fitness facility leaves no excuse for taking a break from working out while away from home.



PHOTO BY JIM ROBERTSON





PHOTO BY JIM ROBERTSON

>> LawFit.org article cites. This dichotomy of sudden, strenuous exertion and a basically sedentary work environment is often the catalyst for a significant number of law enforcement on-the-job injuries and illnesses.

Across Kentucky, agencies have taken a stand against the prevalence of such injury and illness by encouraging officers to make physical fitness and personal health a priority. The Boone County Sheriff's Office has a workout facility housed inside the agency. Available to officers 24/7, before or after any shift, the ease of access helps eliminate one excuse officers may have for not working out. Occasionally, if deputies do something noteworthy, the sheriff may tell them to check with their supervisor to take the last hour of their shift to work out, said Boone County Public Information Officer Tom Scheben.

"Like anything, [physical fitness] starts at the top," Scheben said. "Sheriff Mike Helmig is in his mid-50s, but looks 40 — he's always been physically fit, that has always been important to him."

When Boone County's new building was constructed with the physical fitness facility, Helmig stocked it with equipment purchased with drug forfeiture money, Scheben said.

Many agencies offer similar incentives of workout time on duty, paid memberships to the local YMCA or other gyms or earned time off for maintaining certain levels of physical fitness. Other agencies took their commitment to physical fitness a step further by implementing policies mandating yearly or twice yearly physical fitness testing for officers.

"That was one of my goals when I became chief — 1) to implement some form of physical fitness for our department, and 2) to create a facility for our officers to use, and not just the police department, but citywide," said Berea Police Chief David Gregory.

Gregory became Berea's chief three years ago and immediately began working toward a physical fitness policy for the department. After two years and some tweaks to his original proposal, Berea >>

◀ Berea Police Officer Chris Whicker utilizes the agency's offsite gym during a post-shift workout. Whicker serves as the department's defensive tactics and physical fitness coordinator and is responsible for administering the agency's twice-yearly physical fitness assessments.

## IN YOUR CORNER: NO EXCUSES

One of the biggest obstacles facing officers in pursuing a physically fit lifestyle is a string of excuses barring them from ever getting started. Whether it be a lack of time, lack of space or a facility or just an overall sense of not knowing what to do, many officers are stuck before they ever start. DOCJT Physical Training Instructor Buck Adkins has provided this three-day weekly workout plan that can be done by anyone, anywhere, anytime.

**Required equipment:** track or open area for training, pull-up bar, dip bar or fold out chair if available.

**MONDAY:** Full body/Cardio/Endurance training circuits  
5 minutes of warm-up with stretching.

- Jumping jacks
- Arm rotations
- Deep knee bends
- Stretch

Exercises are to be done in a circuit, one exercise after another with a two-minute rest the end of each set. All exercises combined count as one set.

- Burpies x 10
  - Pushup jacks x 10 or 5 pull-ups if bar is available
  - Wide grip pushups x 10
  - Chair dips x 15
  - Air squats x 15
  - Standing lunges x 15
  - Calve raises x 15
  - Crunches x 20
  - Flutter kicks x 20
  - Oblique twists x 20
  - One lap (quarter mile) around a track or two laps around an eighth-mile track
- Repeat four times

**TUESDAY:** Rest

**WEDNESDAY:** Cardio

- Warm-up and stretch
- 20 minutes or more of continuous cardio work at 60 to 70 percent of your target heart rate (examples: run, bike, sprint walk)
- Interval training: sprint the straight stretches of the track and jog the corners

- Three full laps on a quarter-mile track, six on an eighth-mile track
- Stretch and recover

**THURSDAY:** Rest

**FRIDAY:** Full body/Cardio/Endurance training circuits

Exercises are to be done in a circuit, one exercise after another with a two minute rest at the end of each set. All the exercises combined count as one set.

- Burpies x 10
- Pushup jacks x 10 or 5 pull-ups if bar is available
- Wide grip push ups x 10
- Chair dips x 15
- Air squats x 15
- Standing lunges x 15
- Calve raises x 15
- Crunches x 20
- Flutter kicks x 20
- Oblique twists x 20
- One lap (quarter-mile) around a track or two laps around an eighth-mile track

Repeat four times ■



PHOTO BY JIM ROBERTSON



# WELLNESS

## Fit for Duty, Fit for Life PART I.

>> Police Department adopted a physical fitness policy requiring all officers hired after June 2011 to achieve and maintain a level of physical fitness at or above set minimum standards, which are congruent to Kentucky's Peace Officer Professional Standards physical requirements for exiting the law enforcement academy.

The policy states, "since law enforcement is a physically demanding and highly stressful career field ... the goal of the fitness program is to ensure personnel have

the physical capacity to safely perform their jobs, improve physical and mental health, increase productivity, reduce disabling sick time and health care costs, and create and maintain a professional public image."

These policy goals encapsulate the critical importance of law enforcement physical fitness as well as the benefits an agency receives when its officers maintain their physical health throughout their careers. When originally written, Gregory's policy mandated physical fitness testing for all

department officers because he believes the duties of an officer are the same regardless of age, or time on the force — a belief that was manifested by his experiences in the FBI National Academy, he said.

"I wish [our fitness policy] was for everybody," Gregory said. "It is slowly getting there."

Out of 31 officers in the department, six are required by policy to test twice a year, and this spring 12 officers participated

*When an agency adopts a mentality that keeps physical fitness as a priority, everyone reaps the benefits.*

— the other six by choice. And the policy has benefited more than just the police department. Overall, the city saved 10 percent on its health insurance costs, amidst rising healthcare costs across the country, Gregory said.

Maysville Police Department training coordinator, Maj. Lisa O'Hearn, also came back from the FBI academy charged with a driving desire to expand on physical fitness mandates in her agency. Maysville's physical fitness standards must be met by all the agency's sworn officers on a yearly basis. In addition, the agency requires annual blood testing to monitor cholesterol and other factors for officers 40 years and older, and every other year for those between the ages of 35 and 40, to keep tabs on any health issues. These tests allow officers to seek help for issues as they arise, before they create problems for officers, O'Hearn said. Additionally, in August, Maysville secured a workout facility in town that they share with the fire department, giving officers a place to burn off the stress of a shift while their adrenaline still is going, even if it is 3 a.m., O'Hearn said.

### MORE THAN JUST HITTING THE GYM

"The physical fitness portion of our program creates camaraderie and teamwork among the shifts," O'Hearn said. "Typically we ride single-man cars and [officers] spend a majority of their shifts alone. So, this is a chance to motivate and encourage each other.

"Unlike fire department personnel who stay together for 24 hours, every third day — we don't have the luxury to build that unity or teamwork unless we create our own," she continued. "Since having our own site, I have heard of officers getting together after work and creating their own plans for development. We also have groups that participate in 5K races and we host events like basketball tournaments. When events like that are on the agenda, they are more aggressive in their physical

regimen and that promotes camaraderie."

When an agency adopts a mentality that keeps physical fitness as a priority, everyone reaps the benefits. Officers spend less time off the job due to injury and illness, they recover faster from incurred injuries and they often have more energy to be active with their families when off duty.

"They feel better, they feel stronger and they look fit — not just feel, but look fit," DOCJT's Adkins said. "They look like they think an officer should look. There should be a little bit of pride for an officer who feels they look the way a perfect officer would look."

Boone County's Scheben agrees.

"I think that's important," he said. "The public's first perception is as you get out of the patrol car. If you look squared away, then the public will perceive you as squared away. If you look like a fat slob then the public will perceive you that way. The second perception is when you open your mouth and handle your business."

Berea's Gregory tried to capture the importance of that first perception with a visual check for his officers. In the police department there is a mirror marked with the phrase: Does your appearance reflect your professionalism?

"It just maintains that image and people will see and not want to mess with you," Gregory said.

Regardless of an agency's policy or encouragement, physical fitness all comes down to officers' choices — a choice to ensure they maintain themselves in such a way that allows them to provide the best possible service to their communities, keeps themselves safe and healthy and provides them the energy they need to offer their best to their families. That choice starts with a decision to not become complacent, but each day, take a step in the right direction. 🍌

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◀ Proving that proper physical fitness is important at any age and career stage, 56-year-old Boone County Public Information Officer Tom Scheben nears completion of his vigorous lower-body workout. Hitting the gym is a staple in Scheben's daily regimen — a trait highly encouraged for all deputies by Boone County Sheriff Mike Helmig.






**FOLLOW** THE

**FLAMES**

**ARSON** IN  
**KENTUCKY**

KELLY FOREMAN | PUBLIC INFORMATION OFFICER





**I**n a cool winter evening as night starts to fall, a woman on her way home from work passes her neighbor's home, just in time to watch him peel out of the driveway without a wave or a smile. She doesn't pay much attention. He must be in a hurry.

Soon after, as she's preparing dinner in her kitchen, she notices a faint twinge of an unusual smell carried by the breeze, perhaps from her neighbor's fireplace. Taking it in, she continues cooking. But the stench of smoke begins to get stronger, almost stifling. Out of the corner of her eye, she catches a glimpse through her window of a dark cloud rising from the home of the neighbor she saw racing down the street only a few moments before.

Rushing outside with her phone in hand, the woman shouts to the 911 dispatcher that a fire is growing and the smoke is overwhelming. Within minutes, she hears sirens, the massive trucks grinding to a halt and heavy footsteps of firefighters hooking up to the hydrant and beginning to soak the now-engulfed home.

As the embers die down, firefighters begin to notice some unusual things about the home. Smoke-stained walls are empty where family photos should be. Bedroom closets are bare — in fact, most of the home is lacking in personal items one would expect to find in an occupied home.

The woman recounts her story to firefighters, who begin to have too many unanswered questions.

The 911 dispatcher rings out across the radio — "Suspicious fire, 111 Oak Street. Police assistance requested."

All preliminary details point to something being amiss. But is it arson?

Don't jump to conclusions, said fire investigation experts Jim Pharr and Greg Gorbett.

"If all the pieces of the puzzle were there, we'd know exactly what was present," Pharr said. "Oftentimes we are trying to fit pieces in and sometimes little pieces are missing. Can we get enough of the puzzle to say without a doubt, this is the picture?"

Pharr and Gorbett, both professors in Eastern Kentucky University's Safety, Security and Emergency Management Department, have dedicated their careers to fire investigation, training and education. In a recent interview, Gorbett noted that of all forensic sciences, fire investigation is probably the most difficult. And Kentucky's investigators, whose job is to find truth amongst the soot-and-water-soaked debris, face a formidable task.

"No other [law enforcement arena] struggles with whether or not there was even a crime committed," Gorbett said. "Typically, that's pretty well known. There are times when you don't know, but at a fire scene, we never know. It's almost impossible to know. On top of that, a lot of our evidence is getting destroyed by the thing itself."

#### OBSERVATION

While it is undeniably an onerous task, it is feasible to solve the puzzle, Pharr said, with the right tools, knowledge and cooperation between everyone involved.

"I have had police officers I've worked with tell me this is the most difficult crime

*There are times when you don't know, but at a fire scene, we never know. It's almost impossible to know. On top of that, a lot of our evidence is getting destroyed by the thing itself.*

they investigate," Pharr said. "Then there is a perception that you cannot tell from the fire scene what has happened because the evidence is destroyed. That is not necessarily so. The biggest thing is that we have to prove the sequence of events beyond a reasonable doubt. And that is doable."

When an officer responds to a fire scene — whether it is considered suspicious yet or not — there are a number of ways he or she can help get a jump start on the investigation immediately, simply by being a good observer and taking action.

"If we can get officers when they get on scene — especially if it's burning — if they have on-board cameras, to aim that camera at the fire and let it run," Pharr said. "We don't know what we'll capture, but I have had officers do that, and it made the case. It's just a bit of data we can't collect elsewhere."

Gorbett also encouraged officers to make observations of people on the scene who might be capturing evidence without realizing it. With today's technology, nearly everyone has a camera or video camera in their pocket.

"With everybody having smart phones now, a lot of people will record and take photos and you might want to ask to see those photos," he said. "Technology is allowing us to do a lot more. If you're looking for where the fire started, a lot of times [photos] will tell you where it didn't start."

An unavoidable result of fire suppression often is that the firefighters' first priority doesn't include preserving the scene. While most are trained in preservation of evidence, they might inadvertently run through it while battling the blaze.

"Sometimes what the officers can see is tire tracks, footprints, evidence that might yield DNA — those things that police officers are more astutely aware of than firefighters who are engaged in suppression," Pharr said. "If officers can preserve them in some manner, can find some means of collecting them quickly, putting a box over them, taking quick photos — something so that it might not be washed away by hose drainage."

Most of these observational skills are typical skills used in other crime scenes. >>

**19.5** percent of arsons cleared

**48,619** arson offenses reported to the Federal Bureau of Investigation in 2010

**\$17,612** average damage costs per arson reported





PHOTO BY KELLY FOREMAN

>> “Things like, are doors or windows open on the outside?” Pharr asked. “Where is the fire burning? What is it doing? What are the people saying? What are the people doing? Make notes to interview people while the firefighters are fighting the fire, to get as much data as you can about what was going on prior to the fire, then make that known to the investigator who comes on scene or share that with whomever is investigating.

“The first thing we have to do is determine where it started,” Pharr continued. “Then, is there criminal activity involved?”

#### SAFETY

In some jurisdictions, law enforcement and firefighters are dispatched simultaneously. What should an officer do if he or she is the first person on scene to a structure where lives may be at risk? The need to rescue someone in danger often is engrained in law enforcement — but that instinct should not be prioritized above their own safety, Pharr said.

“Do you have someone inside?” Pharr asked. “If you have to make that decision, typically if [the structure] is smoke filled, I would tell them not to go inside. It’s a tough situation when they’re the first on the scene and think somebody may be in there. But unless they know and can actually verify that, then they are putting their own lives in grave danger by going in. Just a little bit of carbon monoxide can take them out.”

Even for those who study fire behavior, the flames can be unpredictable. For those less-versed in how the fire may move or evolve based on their actions, it’s best to keep a distance until firefighters give the all clear.

“The change in fire can be drastic,” Pharr said. “They can get burned — we just don’t want to see anyone hurt.”

If there are witnesses, bystanders or victims lingering on the scene while the fire is still burning, Pharr encouraged officers to push them back to protect them from a variety of dangers — like electrical lines that may drop to the building. Even once the flames have been extinguished, a fire scene incurs its own set of dangers.

“Wear safety glasses, hard hats and safety shoes that have steel shanks in the >>

## Fire Expert James Pharr

With more than 30 years in the fire service, Eastern Kentucky University professor Jim Pharr, retired from public service in 2006 after serving as a fire fighter, investigator, fire chief, fire marshal and emergency management director in North Carolina. His teaching experience includes both training and education delivery for more than 30 years with community colleges in North Carolina. He holds an Associate of Applied Science in Fire Science, Bachelors of Science in Fire Safety Engineering, Masters of Science in Fire Service Leadership, and is a graduate of the National Fire Academy’s Executive Fire Officer Program.

#### Career Highlights:

- Former adjunct instructor, National Fire Academy — presented more than 6,000 hours of classroom and hands-on training
- Former emergency management director and fire marshal, Gaston County, N.C.
- Former fire chief, Pinecroft Sedgefield Fire Department — Guilford County, N.C.
- Former fire investigator, Charlotte (N.C.) Fire Department
- Certified fire investigator — International Association of Arson Investigators
- Certified fire/arson investigator, N.C. Fire and Rescue Commission ■



PHOTO BY JIM ROBERTSON

## Fire Expert Greg Gorbett

Greg Gorbett is an instructor for the online fire degree programs at ECU. He spent seven years working as a private consultant in the fire, arson and explosion investigation profession prior to coming to ECU. He holds two Bachelor of Science degrees, one in Fire Science and the other in Forensic Science. He holds Masters of Science degrees in Executive Fire Service Leadership and recently in Fire Protection Engineering. He serves on the NFPA 1033 Professional Qualifications for Fire Investigator as well as a director for the National Association of Fire Investigators.

#### Career Highlights:

- Volunteer firefighter for several departments in Indiana. Most recently, a member of the Angola Volunteer Fire Department as a paid, on-call firefighter
- Active honorary member of the Carroll County Arson Task Force; responsible for conducting fire and explosion investigations to determine the origin, cause and responsibility of fires and explosions
- Former fire and explosion analyst at John A. Kennedy and Associate, Sarasota, Fla.
- Former fire and explosion investigator, Donan Engineering, Evansville, Ind.
- 2006 — Received the John Charles Wilson Scholarship from the International Association of Arson Investigators
- Certified fire and explosion investigator — CFEI, CFII, IAAI-CFI, CFPS, CVFI
- Committee, member, International Fire Service Training Association Validation Committee for IFSTA Fire Investigator Training Manual
- Vice chair, NFPA Fire Science and Technology Educator’s Section — executive board, vice president ■



PHOTO BY JIM ROBERTSON



>> bottom of them if you're going in," Pharr said. "Have the proper respiratory protection. Carbon monoxide is high, and often times, once we put the fire out the carbon monoxide levels escalate. There is a lot of data out now that says hydrogen cyanide is present at a fairly high rate. What did they used to use hydrogen cyanide for? Gas chambers. There's nothing really good that can come from going into that building until you have proper equipment."

#### 'DRINK COFFEE'

Like many criminal investigations, investigating arson is rarely a one-man show. It often takes coordination of multiple efforts to bring all the necessary pieces together. Pharr and Gorbett recommend coordinating those efforts long before the first flame is kindled.

"Drink coffee," Pharr said. "Talking with each other ahead of time is critical. That way, if something goes sideways you can talk about it. How can we make it better next time?"

Fighting the jurisdictional battle at the fire scene is both futile and foolish. Gorbett recommends pulling together a task force involving local public servants who have a vested interest when investigating a possible incendiary fire.

"We have fire chiefs, police officers, officers who are volunteer firefighters, mechanics who are on volunteer fire

departments — I want a mechanic with me when I'm doing a fire investigation of a vehicle," Gorbett said. "I want an electrician with me when I'm doing a building inspection of a structure fire. Having those guys bring something to the table from their own worlds is definitely helpful."

Stretching beyond local boundaries, Gorbett also recommended taking advantage of the knowledge and technology the Bureau of Alcohol, Tobacco, Firearms and Explosives can bring to the investigation.

"They have the best lab in the world," Gorbett said. "If you were to have an incident that is high profile, with multiple fatalities, or something along those lines, you may want to get them involved. They have resources that nobody in the state — sometimes nobody in the world — has."

Often waiting in the shadows for their chance to step in, too, are the private investigators — those representing the insurance company, the attorney of the deceased family or the manufacturers whose products have been listed as possible ignition sources. If the public investigators believe the fire could be criminal, cooperating with them might not be the best idea. However, if investigators are unsure or are leaning toward the fire being accidental, bringing them in to support the investigation shouldn't hurt, Gorbett said.

"There is probably a bigger world of private fire investigators than there are >>

(continued on page 46)

## What do I look for?

Adopting the mindset upon arrival at a fire scene that the blaze could later be determined incendiary will give you a leg up on the investigation. The following is a list of items to look for — both to serve as evidence and to protect evidence that exists.

Observe evidence of:

- Forced entry
- Broken windows or doors
- Discarded clothing
- Crime in addition to possible arson
- Vehicles at the scene
- Unusual items or the absence of normal contents of the scene

Recognize threats to evidence, including:

- Movement of knobs, switches and controls on appliances and utilities
- Weather conditions
- People walking through and/or leaving the scene
- Premature removal or movement of bodies
- Contamination from external sources

— Information provided by the National Institute of Justice's research report, "Fire and Arson Scene Evidence: A Guide for Public Safety Personnel." ■



# Here to Help: KSP Arson Investigators

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

Arson is not a crime that most Kentucky officers face daily. Because of the ever-changing technology and information regarding how to investigate these crimes, it helps to have someone around who is up-to-speed on the latest trends and willing to help.

The 16 Kentucky State Police posts across the commonwealth assign a trained arson investigator whose sole purpose is to take complaints of suspected arson and respond to the scene to assist in or initiate an investigation, said Kevin Dunn, who serves Frankfort's Post 12 and is KSP's longest serving arson investigator.

"A lot of times we have trouble getting people to understand when to call," Dunn said. "We are trained to identify signs of arson. Someone may feel that a fire looks like it is accidental or seems like it could be an accident, but might just have some unanswered questions. They can call me and I will meet with them."

Many fire departments call Dunn when the investigation leads down a criminal path because they are uncomfortable questioning people, he said. If a firefighter has a feeling that a homeowner is lying to them, Dunn can step in and investigate. But, KSP's arson investigators are not simply a resource for firefighters. Often, evidence that needs to be collected at a fire scene requires special containers like nylon bags or jars that won't allow vapors to escape. Dunn and KSP's other investigators keep that equipment on hand.

"If you go to a fire scene and find gasoline containers in a living room floor that need to be collected, if a witness or neighbor comes over and says, 'I don't know what's going on, but 10 minutes before the fire I saw the owner drive off,' call me," he said. "If you receive information about a possible suspect, call me. I'll do my best to respond 24 hours a day."

Dunn assists officers in their cases and supplements their reports, or will lead the investigation if that suits the agency's needs. However, Dunn said sometimes both law enforcement and firefighters who call him to a scene expect that he can arrive and make an arson determination in five to 10 minutes.

"It doesn't work that way," he said. "If the fire department already has begun its overhaul and there are two to three rooms of furniture in the front yard, sometimes we have to carry that furniture back in. It's like accident reconstruction. That may take several hours to the whole day. I may be able to work at [a fire scene] all day and have to come back and put in two to three days. Whatever it takes to read the fire patterns and try to pinpoint exactly where the fire started."

Dunn encouraged officers who encounter fires in their jurisdictions not to be quick to dismiss a small blaze.

"Crime concealment is a big motive in arson," Dunn said. "Burglary fires are often set up to burn evidence. But sometimes those things just aren't as obvious. It's worth at least a call to have the fire investigated. Commercial and business-type structures run into a lot of embezzlement cases where people are trying to destroy records. [If you are investigating] fire with no obvious accidental cause — a lot of times, every fire has no obvious cause because people don't know what to look for. Give me a call." 🧯

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▲ Kentucky State Police Arson Investigator Kevin Dunn carefully sifts through evidence of a recent arson. Dunn is one of 16 KSP investigators across the state who can be called to assist local law enforcement agencies in the event of a suspicious fire.



>> public,” Gorbett said.” Public officials of tentimes don’t like them getting involved. But, I’ll tell you, they have the money. They can bring in the big equipment. So working with them is not a bad idea. You just have to know where the roles are different and obviously limit your efforts to sharing what you can share — police are better at that than the private guys.”

Pharr agreed, but noted that there is a fine line between cooperation and collusion, he said. Working together and copying each other’s reports are not one in the same.

“Even if you are leaning toward an accidental fire, if it’s not their money, if it’s just someone else asking questions, if the public investigator is taking the lead role — [private fire investigators] can help,” Pharr said. “You can say, ‘It’s our scene, you can come watch.’ They may ask a question and you can say, ‘Well, let’s find out.’ It’s better to ask those questions on the scene rather than later in the courtroom.”

#### WHEN CAN YOU DECLARE A FIRE INCENDIARY?

Lingering myths that should have been eradicated long ago by updated research and technology still plague fire investigators today.

“Most of those myths come from investigators looking at one certain piece of data and running with it, and you have to be careful with doing that,” Gorbett said. “Now, maybe in one instance that myth was right. But trying to extrapolate that to all fires is where we run into problems.”

Among some of those myths are indications of burn patterns on the floor meaning the fire was accelerated by something poured there, shiny blisters or deep pockets of char that look like alligator skin meaning it was a set fire. Trying to assign the terms “fast” or “slow” fire to a blaze also are antiquated terms.

“You can’t do that,” Gorbett said. “Visible identification of anything is, first of all, subjective, because you see something

different than I see. The standard of care for our profession says you need to take laboratory samples. Do not rely on visible identification alone.”

Fire investigation training is about teaching people how to look at the effects of fire, Pharr said — what it did to the building, to the contents, the people, etc.

“If we can correlate those fire effects into patterns, then we can start to see where the fire began, once we find where it began and burned the most intensely, we can try to figure out why that happened, if there is a cause at that location,” he said. “If there is no cause, what caused this burning to happen. Oftentimes it is going to include collecting samples, sending them off, collecting debris to have it analyzed by engineers. You have to do much more intensive forensic investigations than just looking at the scene and saying, ‘Wow, this could have been set, or electrical or accidental.’”

The rest of fire investigation comes down to good, old-fashioned policing. As with any case, do the witness and suspect interviews, scene observations, lab results and other investigation pieces come together to not only show probable cause to a jury, but also to prove beyond a reasonable doubt that someone intentionally set the blaze?

“There’s not one single pattern or piece of data that will tell you that it’s an incendiary fire or an accidental fire,” Gorbett said. “There’s nothing like that — it’s a combination of everything. You really have to look at the totality of the evidence. ... Don’t speculate. A lot of issues in fire investigations come when people jump too early and make their opinions based on what has been provided. Keep your gut intuition out of it.”

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# Obstacles in Fire Investigation

In order to overcome some of the inherent obstacles in fire investigation, officers should understand what those hindrances might be. In “Fire and Arson Scene Evidence: A guide for Public Safety Personnel,” the National Institute of Justice outlines some of the hurdles:

- **Fire can be a complex event that requires expertise and time to investigate.** The training and preparation of qualified investigators often are costly and time consuming, requiring dedication to the profession over many years.
- **Evidence immediately is compromised.** The larger a fire becomes and the longer it burns, the less evidence of causation will remain. In some fires, sufficient data to establish the origin and cause do not survive, no matter how diligent the search or well prepared the searcher.
- **Securing the scene can be troublesome.** The presence of so many people, in addition to members of the press and the public who were attracted by the sights and sounds of a major fire, offers yet more chances for scene security to be compromised and critical evidence to be contaminated, moved or destroyed.
- **Investigative responsibility is split.** While the fire service has the primary civil responsibility to establish a fire’s cause, if the cause is determined to be accidental, the scene is released to the owner or the owner’s insurance company for further examination. If the conclusion is that the fire was purposely set, then a crime has been committed and law enforcement authority is needed to investigate the crime. ... If local law enforcement has inadequate resources or personnel, an outside agency such as a state fire marshal, or even a federal agency may be asked to investigate. Any such transfer may cause complications in establishing lines of authority. In some agencies, investigative teams are composed of individuals from both law enforcement agencies and fire departments, so that the continuity of the investigation can be maintained through both civil and criminal phases.

## Resources

#### International Association of Arson Investigators — Kentucky Chapter

The International Association of Arson Investigators, Inc. is an association of more than 5,000 fire investigation professionals from across the world, united by a strong commitment to suppress the crime of arson through professional fire investigation.

Contact the Kentucky Chapter here:

- [jknavy@scfire.org](mailto:jknavy@scfire.org)
- <https://firearson.com/chapters/chapter-list-and-map/kentucky-chapter>

#### Arson & Explosives Enforcement

The Bureau of Alcohol, Tobacco, Firearms and Explosives is the Federal agency primarily responsible for administering and enforcing the criminal and regulatory provisions of the Federal laws pertaining to destructive devices, explosives, and arson. To accomplish its mission, ATF has multiple tools at its disposal.

See more here: <http://www.atf.gov/explosives/enforcement/>

#### Kentucky State Arson Task Force

The Kentucky State Arson Task Force was founded in 1988 as a non-profit corporation “to promote and assist the development and advancement of law enforcement and crime prevention with regard to the crime of arson.” and to “assist in the investigation, apprehension, and conviction of arsonists.

President — *Chuck Coppinger*  
Vice President — *Bob Kramer* (800)-27ARSON



# HOW KENTUCKY DEFINES ARSON

SHAWN HERRON | STAFF ATTORNEY,  
DOCJT LEGAL TRAINING SECTION

The crime of arson results in hundreds of civilian deaths, injuries and property damage every year. It also leads to death and injuries among firefighters. The definition of arson differs from state to state, but is classified under the Uniform Crime Report Program as “any willing or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. (Willing would translate to intentional, under Kentucky law.) Arson definitions focus on the starting of a “hostile fire” — since otherwise, the deliberate lighting of a fire in a fireplace or to burn trash would be considered arson. The fire service regularly investigates the cause and origin of fires, and over the years, the fire service has changed the way they code fires for statistical purposes, but it is important to note that the fire service definition of arson does not necessarily mean that a criminal prosecution will be successful, or even possible.

## 513.010 DEFINITION OF “BUILDING.”

The following definition applies in this chapter unless the context otherwise requires:

“Building,” in addition to its ordinary meaning, specifically includes any

dwelling, hotel, commercial structure, automobile, truck, watercraft, aircraft, trailer, sleeping car, railroad car, or other structure or vehicle, or any structure with a valid certificate of occupancy.

## 513.020 ARSON IN THE FIRST DEGREE.

(1) A person is guilty of arson in the first degree when, with intent to destroy or damage a building, he starts a fire or causes an explosion, and;

(a) The building is inhabited or occupied or the person has reason to believe the building may be inhabited or occupied; or

(b) Any other person sustains serious physical injury as a result of the fire or explosion or the firefighting as a result thereof.

(2) Arson in the first degree is a Class A felony.

## 513.030 ARSON IN THE SECOND DEGREE.

(1) A person is guilty of arson in the second degree when he starts a fire or causes an explosion with intent to destroy or damage a building:

(a) Of another; or

(b) Of his own or of another, to collect or facilitate the collection of insurance proceeds for such loss.

(2) In any prosecution under this section, it is a defense that:

(a) No person other than the defendant had a possessory or proprietary interest

in the building, or, if other persons had such an interest, all of them consented to the defendant’s conduct; and  
(b) The defendant’s sole intent was to destroy or damage the building for a lawful purpose.

(3) Arson in the second degree is a Class B felony.

## 513.040 ARSON IN THE THIRD DEGREE.

(1) A person is guilty of arson in the third degree if he wantonly causes destruction or damage to a building of his own or of another by intentionally starting a fire or causing an explosion.

(2) In any prosecution under this section, it is a defense that no person other than the defendant had a possessory or proprietary interest in the building, or, if other persons had such an interest, all of them consented to defendant’s conduct.

(3) Arson in the third degree is a Class D felony.

## 513.060 BURNING PERSONAL PROPERTY TO DEFRAUD INSURER.

(1) A person is guilty of burning personal property to defraud an insurer when, with intent to defraud or injure an insurer, he:

(a) Sets fire to, burns, or causes to be burned; or

(b) Aids, counsels, or procures the burning of any of the goods, wares, merchandise, or other personal property of himself or another, that is insured at the time against loss or damage by fire.

(2) Burning personal property to defraud an insurer is a Class D felony. 🔥



# CYNTHIANA

## Partnered, Purposeful and Pushing Forward

ABBIE DARST | PROGRAM COORDINATOR

A small-town department tucked away in the northeastern part of Kentucky's "golden triangle," the Cynthiana Police Department is a young agency, driven by an experienced, motivated and highly-active chief who has faithfully served the community for 20 years.

When Chief Ray Johnson first came to Cynthiana in 1989, he left his New Jersey roots seeking a better place to raise his young boys. After experiencing multiple vehicle thefts and crime rates rising around him, the small Kentucky hometown of his wife seemed a good place in which to start fresh.

Johnson had no intentions of becoming a police officer, but after frequent conversations with officers who moonlighted at a local gas station owned by his wife's uncle, Johnson decided to give law enforcement a shot. Twenty years later, it's a decision Johnson has never regretted.

"I've loved the job," Johnson said. "I've really enjoyed it. ... There isn't anything I don't do in this department. My hands are in on everything."

Johnson's will-do attitude is a distinguishing marker for him in the agency and throughout the community. He doesn't shy away from working the streets, taking reports and making arrests, just like any other officer in his department, but he enjoys doing so because it keeps him in touch with his officers and the people of Cynthiana, he said.

"I love [working the road] because I still can be in touch with the community, and

the community appreciates that," Johnson said. "Whether I'm in this uniform or in blue jeans or a shirt and tie, people know who I am and they respect that. ... Anybody here can tell you that I'll take time, day or night, for anybody. If you're not out there, you lose touch with the community."

"If I'm off duty, at Wal-Mart, and someone has a problem and they stop to talk, I take the time," he continued. "I don't say, 'Well come see me Monday morning.' And my [officers] appreciate that, too. This is not a 9 to 5 job. I come in at 7 in the morning, and I don't leave until there's nothing left for me to do."

Being active affords Johnson the opportunity to understand the dynamics and issues facing Cynthiana's community. Though he is involved in numerous community groups and partnerships, one of the biggest is the Champions Group. Comprised of personnel from the police department and sheriff's office, mayor, drug program representatives, county judge, citizens and ex-drug users, the Champions Group helps law enforcement in Harrison County educate the public on the dangers and consequences of drug use. Like many communities across the commonwealth, Cynthiana is facing a growing drug problem. The abuse of prescription pills and their successor, black-tar heroin, also fuels an excess of petty theft in the community, said Officer Jeff Thomas.

But police/community partnerships like Champions Group and Harrison County Drug Free Community help spread awareness about the collective effort needed from community members to effectively >>





>> tackle the issues and begin ridding the city of drugs.

“I tell the community, if you want the streets back, you have to help out,” Johnson explained. “We’re only 13 people, the sheriff’s office adds eight deputies, but we’re still outnumbered. But if they start coming out and participating, people will see what’s going on.”

The Champions Group also helped the police department kick off its Neighborhood Watch program to bolster community support. That budding program goes hand in hand with town-hall meetings

offered throughout the year to involve and educate community members. During the town hall meetings, guest speakers, such as Fayette County Commonwealth’s Attorney Ray Larson or doctors from local hospitals, are invited to speak about the effects drugs and alcohol have on an individual, Johnson said.

**KEEPING IT LOCAL**

As a matter of fact, community-oriented policing is central to the Cynthiana Police Department’s internal mission, as well. Johnson strives to hire individuals from

within Cynthiana, when possible. Officers like Jeff Thomas, a four-year veteran of the department who was born and raised in Cynthiana, have a unique perspective and understanding of the community they serve.

“I’ve always wanted to do this — I thought it was something honorable where you could help people,” Thomas said of his desire to be an officer. “I feel like I can make a difference in my own community. It’s both good and bad working where you grew up, but I’ve known a lot of the cops here for a long time, before I ever came here, so I knew how a lot of things worked.”

Dorthea Batte, one of Cynthiana’s newest officers, not only fulfills the local-hiring aspiration, she also is the agency’s first female officer in more than 10 years, and the first to be hired and sent through the Department of Criminal Justice Training’s basic training, Johnson said. Batte, who will complete her basic training with Class No. 439 on Dec. 21, previously served the department as a dispatcher and decided she wanted to be an officer.

“We hate to lose her (in the dispatch center) because she is a top-notch dispatcher,” Johnson said. “But having her on shift will be a benefit. Especially in domestic violence calls, females often don’t want to talk to male officers, so we have to call social services or the rape crisis center, and they’d have to wait. Now, if we have that situation and [Batte’s] on duty, they may open up to her.”

Two more officers soon will join Batte and the other 13 officers of the Cynthiana Police Department. Having begun their training on Dec. 10, John Bright and Shaun Billy Rains will help bring the department back to its full strength of 16 officers. But

for an agency in a town of 6,200 citizens, even 16 isn’t quite enough, Johnson and Thomas agreed.

“We don’t have enough people sometimes, but I guess it’s like that everywhere,” Thomas said. “Typically we just have two officers out per shift, with some shift overlap. Having the chief work the road is good because it keeps him in touch with the people we deal with every day, but we have so few officers, it would be virtually impossible for him not to work. If he didn’t, then it really would be difficult.”

But even with low numbers, Thomas said Chief Johnson makes every effort to keep schedules flexible and ensure officers get time off when they need it.

“If you need a day off, he’s never said, ‘No,’” Thomas said. “As far as helping you get a day off, or scheduling it, it doesn’t matter how short we are. He’ll come in and work himself if he has to.”

After four years spent as chief, Johnson knows that looking out for those you serve is what truly is important.

“I’ve got some good, solid officers here,” Johnson said. “I’d trust any of them with my back. I tell these guys, ‘I’m not doing this for me, I’m doing it for you.’ When I decide it’s time to retire, what I have started I know they can accomplish — I’ve laid the groundwork, so to speak.

Johnson spends a lot of time monitoring legislation in Frankfort trying to make sure his agency and the Cynthiana community are getting a fair shake, Johnson said.

“Tom McKee, one of our representatives, has seen me up there quite a bit following some of the house bills,” he said. “But I’m always looking to see what can be done to help the department, help the city. I am interested. I don’t just come in (to work) for the paycheck, I don’t come in because I have a badge and gun. I could leave the badge and gun at home and still do the job.

“You have to be involved,” Johnson said, “or you’re just clueless out there.”

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Did you know

Cynthiana was established in 1793 on the lands of Robert Harrison, who was the original owner of the settlement which became the county seat. According to tradition, the town was named in honor of Harrison’s daughters, Cynthia and Anna.

▼ Outside Vanhook Hardware Store, Cynthiana Officer Jeff Thomas talks to owner, Lois, about the changing landscape of Cythiana’s downtown district. Vanhook Hardware has existed in the same downtown location since 1903.



PHOTOS BY JIM ROBERTSON

▼ Officer Jeff Thomas, born and raised in Cynthiana, points out landmarks around town he has been familiar with since childhood. Thomas enjoys the pleasure of policing his hometown and the community he treasures.



Cynthiana Recruit Dorthea Batte maintains control of her firearm in defensive tactics training at the Department of Criminal Justice Training. Batte is Cynthiana’s first female recruit to go through basic training. She graduated Dec. 21.





INVESTIGATING

# VIRTUAL CRIMES

IN A REAL WORLD

KELLY FOREMAN | PUBLIC INFORMATION OFFICER



# Infatuation. Jealousy. Deceit. A love triangle spun fiercely out of control.

## Murder.

**L**aw enforcement across the nation encounters this type of situation all too often. But this particular tragic love story has a twist.

Thomas Montgomery, a 45-year-old father of two lived in New York with his wife and a dead-end job. He entertained himself by playing in a popular online gaming community. There, he reinvented himself as Tommy — an 18-year-old Marine sniper who boasted all the muscles, charm and intrigue any girl could ask for.

When Jessi began communicating with him through the game's chat messenger, Montgomery was at first unsure, but quickly became dazzled by the 17-year-old girl from West Virginia who assumed the name, TallHotBlonde. And, she had the pictures to back it up.

Their conversations became a romance, and the romance evolved into obsession. Montgomery later

described the relationship as a drug he couldn't kick. Until one day, Montgomery's daughter discovered his secret and shared it with his wife.

Soon, Montgomery's wife sent photos to TallHotBlonde, informing her that her lover was a fake. Stunned, Jessi turned to Tommy's 22-year-old co-worker, Brian, for confirmation and support. But that relationship, too, quickly moved to the next level.

Montgomery was heartbroken. Exposed. Delirious with anger. In a fit of rage, he confronted Brian in the parking lot of their workplace, where he shot and killed Brian. When police reached out to Jessi to inform her of Brian's murder, they didn't find the softball-playing high school student they expected. Instead, they discovered Jessi, also 45 years old, was a married mother of two and her name was Mary. Jessi was her teenage daughter whose identity she had stolen.

It all started with a game and an emoticon grin.



▲ Follow this QR code to read more about this love triangle that ended in tragedy.

For some, the allure of Internet gaming is faceless communication and an opportunity to shed their daily life and be whom-ever they wish to be. In many online games, players not only get the opportunity to chat like Tommy and Jessi during their play, but also have the chance to create an entire persona for themselves in a virtual reality isolated from their daily grind.

Not all of this online play turns to real-world murder. Some of the reported virtual crime occurs only within the walls of the computer screen. But cyber communities are fraught with crime of all types, and law enforcement around the world are still trying to figure out how to keep up.

"Just like in any real-life situation, where there are people, there will be someone there to scam them," said Kirby Plessas, an open-source intelligence expert

based in Washington D.C., who has previously trained Kentucky law enforcement in these types of crimes. "Virtual worlds are no different."

To those who have not engaged in these communities or types of games, all this may sound like foolishness. But the Bureau of Justice Assistance, in partnership with Drakontas and Drexel University, urged law enforcement to take the topic seriously in a series of articles recently published on the subject.



◀ Follow this link to read the Bureau of Justice Assistance article about virtual world crime.

"Virtual worlds and online-gaming communities are fast becoming the predominant entertainment medium in the world," the BJA article stated. "Collectively, they are projected to generate \$112 billion in sales and revenues annually by 2015 from hundreds of millions of individuals worldwide who subscribe to them."

What's more, online gaming has been heavily linked to vices such as drugs and gambling for its addictive nature. Most games embed incentives for continued game play, like accessory or weapon rewards, reaching a new level or unlocking a new world to discover. Users can become obsessed with reaching the next goal or simply maintaining the virtual empire they have built. When that addiction is combined with a quasi-world seemingly without consequences, it is all too easy for

players — like Montgomery — to lose their sense of reality and responsibility for their real-world actions.

### WHERE DO I START?

The types of gaming communities available today are as diverse as the people who enjoy them. Perhaps the best way to begin understanding this type of crime is to become familiar with the worlds themselves.

"In the 1980s, games such as Centipede, Space Invaders, Pac Man and Donkey Kong were popularized," according to Kimberly Young, author of *Understanding Online Gaming Addiction and Treatment Issues for Adolescents*. "These were single-player games against the machine and getting good at the game only meant a high score and improvement of the gamers' eye-hand coordination. By the 1990s, gaming evolved from single-player games to gaming experiences. Gamers could become immersed in a virtual world they helped create. Games such as Doom and Quake were introduced that allowed players to create new rooms, customize their characters and specify the kinds of weapons used.

"As the gaming revolution evolved, players could create rich, malleable environments from designer-generated fantasies to complex Hollywood movie themes," Young continued. "By the late 1990s, the gaming industry exploded. Manufacturers such as Sony and Microsoft have developed more sophisticated and interactive features into their games and the technology has become much more portable and mobile, making online games accessible anytime and anywhere. Online games evolved into much more than games, but rather they are living, self-contained, three-dimensional societies."

Social-networking sites like Facebook have a multitude of their own games, such as Farmville, Words with Friends and Mafia Wars. There are wildly-popular Massive Multiplayer Online Role-Playing Games like World of Warcraft, Runescape and Diablo. Some communities, like Second Life, don't involve any type of game or object.

They simply exist for the purpose of socialization in a new and unique world.

### WHAT TYPE OF CRIME IS INVOLVED?

No one virtual world is any more susceptible to criminal activity than the other, Plessas said. Similarly, there seems to be no limit to the types of crime that can stem from these communities.

"Any online community can be a target," she said. "Second Life is a rich target for their virtual currency, but other communities, like World of Warcraft, have been targeted because there is a market for in-game advantages."

With more than 10 million subscribers, some WoW users have developed their own virtual world-gangs, the Washington Post reported.

"Some regions of this fantasy domain have grown so lawless that players said they fear to brave them alone," the Post article, "Does Virtual Reality Need a Sheriff?" reported. "Gangs of animated characters have repeatedly preyed upon lone travelers, killing them and making off with their virtual belongings."

Theft is the predominant complaint from online users. The first lawsuit filed complaining of virtual theft in Second Life was made by a user who claimed another user stole computer code to create knock-offs of products she sold in her Second Life shop.

"According to her lawsuit, her virtual products 'built a reputation within Second Life for performance, quality and value, and ... are among the bestselling adult-themed virtual objects within Second Life,'" reporter Mark Raby wrote for TG Daily, a technology-driven online news site. "It is a tricky gray area because the wording in U.S. fair trade laws says nothing about cases in which no physical product or service is provided."

Each of these worlds employs its own version of currency for exchange. Players can purchase and sell items with this currency as well as real-world cash. In many cases, the rate of transfer from game currency to the American dollar is comparable to pennies on the dollar. But because of the cash value linked to these items, the damage is not the equivalent of stealing toys on a playground. These thefts can lead to significant financial and emotional loss.

The space trading game, Eve Online, fell victim to a virtual bank robber named Ricdic in 2009, when a player stole 200 billion in "kredit booty" — the equivalent of nearly \$5,000 in cash. After the theft became known, mass panic created a run on the online bank as users began to withdraw their money, according to an article entitled "Who Polices Crime in a Virtual World?"

"From what we know, Ricdic didn't do what he did to get at Eve Online's banks or users, he just wanted to buy a real house," Mark Stockley wrote about the incident. "He saw an opportunity to get his deposit by robbing the virtual bank, but presumably, if he'd found \$5,000 lying in the street that would have done just as well. So Ricdic's robbery was just a normal human behavior displaced into a new environment.

"When the combination of risks and rewards is right, then organized crime will surely follow Ricdic into committing real crimes in virtual worlds," Stockley >>

**Virtual worlds and online-gaming projected sales and revenues by 2015:**

**\$112** BILLION



>> continued. “So what are the rewards? Well, there’s an impressive amount of cash washing about in the virtual meta-verse. Entropia was already turning over \$360,000,000 a year before China announced it was going to create 10,000 jobs there. Second Life turned over \$600,000 per day in 2008 and attempts to measure its GPD (Game Progression Data) and GDP (Gross Domestic Product) per capita, put it on a level with real countries like Micronesia and Zimbabwe.”

Money drives crime in virtual worlds much in the same way it does in ours.

“It is really hard to determine which crimes happen the most often inside virtual worlds,” Plessas said. “The most likely culprit is fraud. Scammers target users in virtual worlds much in the same way as spam in email and rogue applications in social networks.”

Fraud, theft and money laundering typically are the easiest crimes to recognize because they often leave behind a trail. Other crimes like stalking, harassment, bullying and solicitation can be more difficult.

“The biggest problem with investigating virtual worlds is the lack of searchability,” Plessas said. “Virtual world search engines normally just search segments, such as user-generated index entries. Due to the

massive nature of these communities, actions within the virtual world are not stored as video. So the investigating officer must be present and use their own screen casting software in order to have a record of interactions.”

#### UNMONITORED COMMUNICATION

“Additionally, the communication methods in virtual worlds are incredibly variable,” Plessas continued. “The users may use the chat room provided by the software, however they may also use the alternative chat or VOIP (Voice Over Internet Protocol telephone) services.”

The Bureau of Justice Administration noted that the use of these communication options often is an intentional part of criminal operations.

“These same social capabilities have been used by criminals to oversee and monitor prostitution rings and by drug dealers to coordinate the exchange of illicit goods,” the BJA article states. “They use the gaming system as a communications platform in order to evade wiretaps, as this is a channel that law enforcement is not as likely to monitor.”

Unchecked communication coupled with a new storage capacity provides the perfect opportunity for child

pornographers to trade, discuss and store photos and videos as well.

“The file sharing permitted by these systems and embedded into the virtual worlds and online gaming communities, accessed via gaming consoles, offer new potential distribution mechanisms for these illegal materials,” the BJA article states.

It can’t be ignored that a number of the players engaged in these online communities are juveniles. For that reason, an awareness of the susceptibility of children to online solicitation is an increasing concern.

Forty-four million users are registered to play Minecraft, a low-tech virtual world focused on building and survival. In her Huffington Post column, Senior Writer and mother Ann Brenoff addressed this concern in concert with her decision to intervene in her son’s gaming addiction.

“At first glance, Minecraft seems like an innocent online Lego-like game where you build things,” she wrote. “Harmless enough. Sure, Minecraft monsters come out at night, but those weren’t the ones I was worried about. I worried about the perverts who pose as other 11-year-old boys and want to play Minecraft with my son — those monsters.”



◀ Follow this link to read Brenoff’s article, “Breaking up with Minecraft is hard to do.”

#### WHAT CAN BE DONE ABOUT IT?

Prosecution of crimes stemming from virtual worlds can be complicated; a firm precedent has not yet been set by the judiciary. As technology develops, prosecution shares the same complications in virtual worlds as with other cyber-related crimes. Our legal system cannot move as fast as technology evolves.

“This is difficult since some states’ laws vary and the laws are slow to catch up to technology,” Plessas said. “Also note that certain actions in virtual worlds that would appear to be illegal may not be.”

Some news reports have indicated that gamers complain about illicit activities as far reaching as one avatar raping another. Or an adult avatar having virtual sex with a child avatar — even though both of the players are adults. Some jurisdictions have fought for these to be considered crimes, while others are still unsure.

Perhaps the most important step investigators can take is simply to educate themselves not only about the types of virtual worlds out there, but also about state and federal laws that apply.

“My advice to investigators when dealing with virtual worlds is not to limit your investigation to Second Life or other tools,” Plessas said. “Because of the nature of the

Internet, if the subject of the investigation is on a virtual world, they are likely also using other popular Internet technology like social networks and Twitter, and they will be much easier to find initially using those tools.”

The BJA also encourages updating agency policies and procedures to include standard operating procedures in line with today’s standard of technology.

“For instance, as gaming technologies and digital storage devices evolve and are increasingly adopted around the world, the potential locations for digital evidence also increases,” the BJA article states. “Information is now being stored on machines and devices located in other countries, on other continents far away from a particular user’s gaming system. An investigator needs to search for evidence on local devices, but they also must reach out to Internet service providers and the gaming companies, as well as the third-party payment services that often serve as the marketplace for the exchange of digital goods and services.

## Kirby Plessas

Kirby Plessas is an Open Source intelligence expert providing training in Internet research techniques and analysis to a variety of law enforcement and intelligence agencies throughout the United States. An Army veteran trained as an Arabic linguist, she also worked at the Defense Intelligence Agency for Radiance Technologies in Military Geography and Urban Analysis. She has been declared the Department of Homeland Security Technical Expert for Internet research. She consults and speaks to government entities about using Open Source and social media for their unique needs. Kirby has taught a number of classes for the U.S. Department of Justice. ■

“Each has vital information that law enforcement will want to use during an investigation, but it can be very difficult and time consuming to collect all of the relevant information for a particular case involving gaming systems,” the article continued.

Finally, know where your resources are, the BJA noted. Partner organizations that assist state and local law enforcement with technical details related to cybercrime receive special funding from BJA for that purpose. Plessas also recommends seeking out organizations that would consider virtual world crime in their purview, such as the High Technology Crime Investigation Association, International Association of Law Enforcement Intelligence Units and the International Association of Chiefs of Police for networking.

If a citizen approaches you about something they believe to be criminal activity in a virtual world, remember that to these gamers, virtual worlds are not just a game. According to a Lawrence-Journal World article, a citizen who filed a theft report with local police after being swindled in Second Life earns her cash as a real estate developer in the virtual world. When she was asked what she does in real life, she responded: “Well, hon, my ‘Second Life’ is my real life.”

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#### Visit these links for resources available in the investigation of virtual world crime.



◀ International Association of Chiefs of Police



◀ High Technology Crime Investigation Association



◀ International Association of Law Enforcement Intelligence Analysts



◀ Association of Law Enforcement Intelligence Units



**R**eal life crime involves real life laws. But what about crime in the virtual world? A virtual world, sometimes called a digital world, is a shared space in which users are able to interact using avatars or other computer-generated characters. A true virtual world takes place in real time, between individuals who usually do not know each other in the real world. Although gaming activities can take place in a virtual world, a virtual world game does not end when users leave the game, it is persistent, with activities between user/players continuing constantly, just like the real world. In addition to gaming, however, virtual worlds may include social, educational and political interaction as well.

The most well known virtual world is Second Life, but it certainly isn't the only one. A number of smaller virtual worlds exist, marketed in some cases to specific age

groups. In addition, many people across the world participate in what are called Massive Multiplayer Online Role-Playing Games, which can be considered virtual worlds as well, as they meet many of the characteristics of such. But where there are people, unfortunately, there is also crime.

What sort of crimes might one find in the virtual world? While some virtual crimes stay completely in the virtual world, others may have emotional, physical or even financial, implications in the real world as well. Law enforcement agencies, firmly grounded in the real world, may be unaware of the interactions taking place on the virtual plane and be unprepared to handle a complaint that originates in the virtual world.

The most vulnerable population to this type of computer-based crime are juveniles, but certainly adults can become victims as well. A virtual world is, after all, simply a new location and method whereby the criminally-minded might prey on the unsuspecting and unprepared.

Common real world crimes, such as theft, money laundering, harassment and stalking are gaining a foothold in the virtual arena.

#### IDENTIFYING A PERPETRATOR

Although not unique to the virtual world, identifying a perpetrator is always a challenge in a virtual world crime. Since most of the virtual world is free or very inexpensive to access, individuals may register using false identification. Many parents who do not realize that their child who is spending time gaming through a computer or even a game console such as the Xbox is able to interact one on one with other players, not just play a game. A parent who scrupulously monitors a teenager's email or social networking site may be completely unaware of the hazards of communicating through virtual world games. Recently, for example, a young teenager from Texas was chatting with a young teenage Kentucky boy, through her Xbox game console, and she set off to meet him — driving almost 900 miles in her brother's vehicle until she was located. Fortunately, she was located in Tennessee. In this case, the object of her affection was, in fact, who he purportedly to be, but certainly, that would not necessarily have been the case. Her

parents, however, were totally unaware that such communications could be made through the game console.

Savvy criminals are very aware that using such platforms to communicate, both with victims and with each other, is very, very difficult for law enforcement to track. Communication in such virtual worlds takes place as "chat" and is difficult, if not impossible, to retrieve. It evades the possibility of wiretaps, for example, as they currently exist, although new methods of computer forensics and investigation are always trying to keep up. Game systems, in addition, have the ability to store photos and videos and can be used to share child pornography, as well as to communicate even otherwise-legal pornography with children. In Second Life, for example, virtual private "islands" can be purchased where avatars may congregate that will be effectively invisible to anyone in the real world, obviously an ideal situation for criminals, and even terrorists, to meet to plan and even practice criminal acts, by setting up simulations. While nothing is completely private in the virtual world, it is certainly possible to occupy a virtual space

that no one will even realize exists, and invite others to share that space with you.

#### FINANCIAL CRIME

Virtual worlds also open a new door to financial crime. Some virtual worlds, most notably Second Life, have their own currency and buying and selling items is a big part of that world. Linden dollars, the currency of Second Life, allows users to buy items from each other in what are called "micro-transactions" of less than \$1 each in real world money. But such micro-transactions add up, and in fact, Second Life boasts at least one individual who became a real life millionaire by virtue of her transactions in the virtual world. Linden dollars even show up on real world currency exchange rate lists! Because Linden dollars may be purchased with "real" money, they can be used to launder money. However, because they are virtual dollars, they are not subject to the same regulatory oversight as real world money transactions. (Note: a Linden dollar is worth only pennies in the real world.) >>

**SHAWN HERRON** | STAFF ATTORNEY,  
DOJCT LEGAL TRAINING SECTION

THE LAW IN THE

VIRTUAL WORLD



>> Second Life is unique, as well, because users may create new items (for themselves or to sell to other users) and retain actual ownership of the items, restricting resale or giving these items to other users. In other words, the original creator holds the intellectual property rights to the items, and failing to abide by the terms of the copyright might be a civil, or even criminal offense, in the real world. In other virtual worlds, the game or world creator legally owns everything in the virtual world. Whether it would be theft is arguable, since a piece of virtual furniture, even if intended to make money for the creator, can be readily replicated by the creator. He suffers only the loss of any potential income from the theft and the value of the stolen item is literally pennies in real world value, making prosecution problematic, at best.

Some virtual crimes may cause no physical or financial harm to a person but might be emotionally devastating,

however. One of the first crimes identified in a virtual world was an online sexual assault by one avatar on another unwilling avatar, apparently done by an experienced programmer who in effect, hijacked control of the “victim” avatar from its actual user. Since avatars are a personal creation, often reflecting the actual appearance of the user, such an attack can be perceived as a true personal assault and extremely distressing, at the least. In addition, on Second Life, a percentage of the content is labeled for mature audiences, and as such, inappropriate for young audiences. However, because of the way Second Life is designed, individuals who own property in Second Life may find themselves situated adjacent to one of these sites, just like in the real world a person may find themselves living next to a house where drug trafficking or prostitution is occurring. At least, in the latter case, the resident can call the police, in the virtual world, there is little that can be done except to leave the virtual world.

Online gambling is a crime that is, in fact, regulated in the real world, but that might be readily occurring in a virtual world. For example, following an FBI investigation a few years ago, in which agents created avatars and participated in online

gambling activities, Second Life eliminated virtual casinos. Such casinos, if involving any real money at all, arguably violate federal laws concerning such online gambling activities.

#### HARASSMENT AND STALKING

Harassment and stalking are the most commonly reported criminal offenses in the virtual world. As there is no virtual world law, conversely such offenses would have to be investigated under real world federal or state law. Whether law enforcement might actually be able to take legal action may be questionable, however, given the constraints of first identifying an actual criminal act under applicable law, identifying the perpetrator and then getting physical jurisdiction over the individual. For example, an act that would constitute Harassment under Kentucky law, KRS 525.070, often called “griefing” in the virtual world, such as someone’s avatar following another avatar and making offensive comments in a public place (where other users can see the interaction), would be at most, a violation. Even if the communication would rise to the level of Harassing Communications, under KRS 525.080, it would still only be a Class B misdemeanor, no matter how much the victim was affected by the abuse. A perpetrator from another state would be almost untouchable, even if a warrant was issued, as extradition for such minor offenses would be costly. And of course, if the

*Virtual worlds, and thus virtual crime, transcend real world boundaries.*

perpetrator was from outside the United States, it likely would be impossible to get jurisdiction over them, without a great deal of cooperation from the country where they actually are resident. (Such cooperation is tremendously difficult even among countries that are friendly, as evidenced by the efforts to get Wikileaks founder Julian Assange to the United States for criminal prosecution.) Whether stalking can occur in the virtual world, under Kentucky law, is questionable, as the elements of the crime require that the victim be put in fear of sexual contact, serious physical injury or death. Whether such a fear is legitimate would likely depend upon whether the perpetrator, who may know the victim only as an avatar, is truly a legitimate and credible physical threat to the actual individual behind the avatar. (And of course, identifying the perpetrator might be impossible, as well, making the threatening interaction occur simply between two electronic beings, neither one of which has standing in a courthouse located in the real world.) Although a threat through electronic means may certainly be a legitimate threat, prosecuting a threat between two avatars, when the individuals behind the avatars are unknown to each other, would be a novel proposition under existing law.

Kentucky does have a body of statutes specific to computer crime, most of which are under the title Unlawful Access to a

Computer, KRS 434.840 – .860. Depending upon the precise facts in a situation, it is possible that a case could be prosecuted, particularly if fraud was the underlying crime. Venue would legally rest in Kentucky if the victim or the perpetrator lived in the commonwealth. Such an investigation would be difficult, but not impossible, and might require educating the prosecuting authority about what has actually occurred, particularly in cases where an avatar is hijacked by a perpetrator and used to commit, or submit to, unwanted acts in the virtual world. In such a situation, a claim of unlawful access to the victim’s computer, although remote, may prove viable.

Virtual worlds, and thus virtual crime, transcend real world boundaries. An action taken by one user, living in a place where a particular activity is legal, might cause them legal difficulties in a foreign country. For example, although virtually creating child pornography is legal in the United States, it may violate the law in another country. Although it would be unlikely for the United States to extradite a citizen to another country for such a crime, it might certainly limit one’s travel options in the future and cause unwanted attention from the U.S. State Department, as well.

Taking a step outside the virtual world leads to concerns about, for example, identity theft. Although banking institutions have many protections in place to protect their customers, even they occasionally fail. Game systems and virtual world companies often collect data on their users as well, and in some cases, even charge small amounts of money, and simply collecting that data on users makes the users vulnerable to identity theft and financial exploitation. Any situation that involves two individuals who don’t know each other sharing personal information leads to concerns about social engineering, whereby private information is inadvertently shared and possibly used to victimize a subject.

How do law enforcement agencies prepare to do battle against crime in a world they can’t see and may barely even recognize exists? First, of course, is simply raising the awareness among agencies of the vulnerabilities and possibilities in virtual crime. From there, sharing this information with the community is critical; it should be mentioned as often in crime prevention as the need to have good locks and having the serial number of valuable possessions. Virtual worlds and virtual crime are only going to become more common. Just like the holodeck on the U.S.S. Enterprise, virtual worlds are already being used for education, training and recreation, and their use will only escalate in the future. Law enforcement agencies have a responsibility to be prepared to investigate and potentially prosecute crimes that implicate these virtual worlds. 🍌





# Red Light Traffic Safety Program Gets Green Light From Officials

**T**he use of traffic cameras to enforce red-light laws has gained popularity in recent years, as jurisdictions find they improve traffic safety.

Not all states have state laws authorizing automated enforcement, and the laws in place vary. But as long as a state does not have a law prohibiting automated enforcement, jurisdictions often can find ways to establish a red-light automated enforcement program.

One city that has established a successful program is Gulf Breeze, which was the first city in Florida to implement red-light cameras. Gulf Breeze is a waterfront community of about 5,700, with a police force of 17 full-time sworn officers.

Gulf Breeze's location on U.S. Route 98 on the tip of the Fairmont Peninsula makes it a main route for motorists driving from Pensacola across the bay bridge to the peninsula. According to Gulf Breeze Police Chief Peter Paulding, 57,000 cars pass through the city on Route 98 each day. A spike in accidents prompted the city to consider using traffic cameras.

"We had a dramatic increase in crashes in 2003, and we already were known by AAA as a top community for traffic enforcement at that time," Paulding said. "We

were employing all of the traditional police traffic-enforcement tactics, yet we experienced a 29 percent increase in traffic accidents that year."

To address the problem, Gulf Breeze formed a traffic safety task force comprising citizens, traffic engineers, businessmen and law enforcement agencies. One of the task force's conclusions was to employ technology.

"We began looking at red-light camera enforcement because we had done a traffic analysis of accidents, which were occurring in intersections and turning points in the roadway," Paulding said.

Police had the support of the city council, but because the state of Florida, at the time, did not have enabling legislation allowing traffic cameras, Gulf Breeze enacted a red-light camera enforcement ordinance that would allow it to set up cameras, issue traffic violations and impose civil fines.

"We realized we could not issue a normal traffic ticket, but we could enact an ordinance and issue the equivalent of a parking ticket — no points on the driver's license, and offenses are not reported to insurance companies, just a civil-violation fine is issued to the vehicle," Paulding explained. >>

*Our data shows a correlation between when the cameras are operating with a reduction in the number of accidents.*





◀ Traffic cameras like this one are being used in multiple jurisdictions as a tactic to improve traffic safety. Gulf Breeze, Fla. Police Chief Peter Paulding said their research has revealed a direct correlation between when the cameras are operating and a reduction of accidents in that location.

>> The first cameras were installed in one intersection in March 2006. The city had to install a stand-alone system that could not interact with the state Department of Transportation equipment in any way, and chose a camera system that detects changes in the light optically. A month later, the city had to disconnect and shift the camera location slightly so it was not in the right-of-way on state property.

The cameras went live again in August 2006, and stayed in operation until August 2009, when the equipment malfunctioned and the vendor subsequently made a business decision to cease operations in the United States.

Gulf Breeze found another vendor and got a replacement contract and equipment in place and went operational again in March 2011.

“We know that more than 90 percent of all the crashes that occur in our city occur on Highway 98 where the cameras are installed,” Paulding said. “We’ve employed a number of strategies to reduce crashes, and cameras are one of those, but our data shows a correlation between when the cameras are operating with a reduction in the number of accidents.”

The department’s data shows a 23 percent decrease in crashes between 2006 and 2008 in Gulf Breeze. Crashes began to increase when the cameras were removed, then stabilized when they became operational again in 2011.

Other traffic enforcement strategies have also contributed to the reduction in crashes. Another advantage to the cameras is improved officer safety, as well as traffic enforcement, Paulding said.

“Any time you can reduce the number of times officers have to

be in traffic, but still enforce the law is a good thing,” he said. “It’s not as dangerous for an officer as when a motorist is pulled over.”

The Florida legislature passed legislation in 2010 authorizing installation of red-light cameras by cities and counties in the state. When Gulf Breeze initially implemented the camera system, the fine was \$100 for a red light violation, which the city split with the vendor. When the state passed legislation, the fine increased to \$158. The state takes \$83 of every violation, leaving \$75 for the city and vendor to split, according to Paulding. If the initial violation notice goes unpaid, it becomes a uniform traffic citation and a violation of state law, and the fine increases to \$264.

Police validate every violation before it is sent out. Gulf Breeze does not enforce right-turn-on-red violations because the city has a small pedestrian population using the roadway. Motorists caught by the cameras receive a copy of a still photo

marking the violation. The notice also includes a Web link and a password so the car owner can view a video of the violation.

“It’s possible to do the project even if you don’t have state enabling legislation in the state,” Paulding said. “We did it in such a way where we were able to employ the red-light camera technology without violating state law. We provided for violator due process appeals. We think it would withstand legal challenges pretty much anywhere.”

If no state enabling legislation is in place, as long as no state legislation exists prohibiting the cameras, jurisdictions wanting to set up a camera program should establish a need for automated enforcement based on the seriousness of crashes or the volume of crashes at a particular location.

“Once that’s done, you need the community to support it, because there is pushback to it and critics of it, who may not live in the district,” Paulding said. “Local folks here did not object. So if you can justify it and then get the city council in your jurisdiction to support the effort, then create a bylaw or local ordinance like you would for abandoned buildings or obstructing sidewalks, then you can put it out to bid and deal with vendors.”

Gulf Breeze has advised jurisdictions in Florida and in other states such as Ohio, Colorado and Arkansas on setting up a red-light camera program. As of November 2011, in the United States, red-light cameras were being used in about 550 communities, and speed cameras were being used in more than 104 jurisdictions, according to the Insurance Institute for Highway Safety. An IIHS study released in early 2011 found that camera enforcement in 14 large cities reduced the rate of fatal red-light running crashes by 24 percent. 🍌

*Reprinted from the National Law Enforcement and Corrections Technology Center’s Tech Beat magazine, Winter 2012 issue.*



■ Under the baleful stare of a new moon, an Eastern Kentucky University patrol car quickly responds to an on-campus call.

PHOTO BY JIM ROBERTSON



# *the* Lessons *of* *Sheriff* Andy Taylor

SHAWN HERRON | STAFF ATTORNEY,  
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*After eight seasons on air and a lifetime of re-runs, the lead patriarch and namesake of The Andy Griffith Show, known as Sheriff Andy Taylor to viewers, passed away in mid-2012, leaving his down-home sense of right and wrong branded into the sensibilities of thousands of future law enforcement officers.*

When the cheerful whistle that introduced the credits of “The Andy Griffith Show” chirped out of televisions on Oct. 3, 1960, it was just one of another series of “cop shows” then popular on television. Shows with a law enforcement theme were common in the 1950s, ranging from westerns, such as “Death Valley Days” and “The Deputy,” to modern police procedurals such as “Dragnet.” “Gun-smoke” had been on television since 1955 and on the radio even before then. Most of the shows, however, had been dramas that focused on the serious side of law enforcement. “The Andy Griffith Show,” however, focused on Sheriff Andy Taylor and his accompanying cast, including son Opie, Aunt Bea and Deputy Barney Fife, who was his cousin. Although in its initial season, Andy Griffith made his own character the focus of much of the comedy. He soon realized that it was much better to allow the characters to flow around him, pulling the focus of the comedy away from him and allowing him to respond and react to the actions of the people he loved. And love them all, he did.

But were they truly characters? Finding a law enforcement officer, no matter how young, who doesn’t know Sheriff Andy and Deputy Fife is a rarity, and those who have been in law enforcement any time at all can easily bring to mind the lessons the characters taught them about how to truly be a cop — whether they are a deputy sheriff, city police officer, state trooper or park ranger. For many officers, the fictional world of Mayberry is a place that truly exists in their memories, a place just as real as any other memory from their childhood.

And what are those lessons?

The first thing any law enforcement officer today notices is that Sheriff Andy rarely wore a handgun or even had any weapon readily visible, other than the rack of long guns on the wall. He explained in one episode that he wanted to be respected as a person and not feared simply because he carried a gun. He certainly had firearms and was presumably proficient with them. And when he needed to do so, he did not hesitate to remove his handgun from the desk drawer and strap it on. But, it wasn’t the first solution to any problem he encountered. While not practical today, Andy’s philosophy emphasized the need to connect with people and solve problems.

Sheriff Andy knew his community, the people in it and the territory it encompassed. Early on, an escaped prisoner was captured because Sheriff Andy knew that a particular small boat located in the lake had a leak, and he ensured that the prisoner overheard him speak about the

boat. Needless to say, the bad guy took the bait and he was quickly apprehended. Although his tactics drew laughs from more sophisticated law enforcement officers who entered Mayberry at times, at the end of each episode they left with just a little more respect for Sheriff Andy, and sometimes, for Deputy Fife. Sheriff Andy used his knowledge of his community to capture the bad guys and to solve crimes.

Here are some ways he exhibited lasting law enforcement leadership skills.

**Sheriff Andy knew what was important to Barney, his deputy as well as his friend and cousin.** Barney loved his job deeply, loved his people and took the greatest delight in doing the job well, which was sometimes difficult for him to do. In the episode entitled Barney and the Cave Rescue, Andy and Helen are trapped in a cave-in, but are able to extricate themselves. However, learning that Barney was organizing a rescue, they returned to the cave in time for Barney >>

*Sheriff Andy used his knowledge of his community to capture the bad guys and to solve crimes.*



>> to complete the rescue. Sheriff Andy was considerate of the people who worked with him and always tried to support them, even when doing so was trying.

**Sheriff Andy was willing to admit when he was wrong.** In one of the earliest episodes of the program, he believes Opie is not showing proper generosity because he donated only a few pennies to an underprivileged children's drive. After scolding Opie for his stinginess, Sheriff Andy was chagrined to learn that his assumption was wrong when he discovered that, in fact, Opie was saving his money to buy his young girlfriend a coat which she desperately needed. In another episode, he chided Opie for a shady deal (in a toy trade) only to realize that Opie was only imitating what he had seen when Sheriff Andy tried to get rid of an old cannon owned by the town. He was not ashamed to admit when he was wrong.

**Sheriff Andy believed in fair consequences for misdeeds.** When Opie accidentally killed a mother bird, his father

allowed him to take on the responsibility of caring for the baby birds and eventually set them free.

**Sheriff Andy was willing to take advice from others.** When Opie came home with a bad grade, Andy begins to put pressure on him to study harder. But Helen, Opie's teacher (and also Andy's eventual wife), convinced him to ease up and Opie was able to improve his grades to his father's satisfaction.

**Sheriff Andy knew how to relax.** In fact, the first moments of the show did not show the sheriff capturing a prisoner or even writing a ticket, but walking with his son down to the fishing hole. Many episodes centered not on law enforcement, but on the day-to-day problems and joys of small-town life, and ended not in the office with an arrest, but on the front porch, sitting with Barney or Aunt Bea, even occasionally strumming a guitar and singing a song.

**Sheriff Andy had people skills.** He always talked with people, not at them or to them,

but *with* them. And even more important, he listened to them. This trait allowed him to solve what little crime was to be had, as well as to solve the day-to-day conflicts among Mayberry residents. In an early episode, he brought an end to a feud between dueling local families, and performed the wedding between young members of each family. In one of the most touching episodes, the sheriff realized that an elderly curmudgeon, the richest man in town, was in fact lonely on Christmas Eve and kept him in jail, where he was able to celebrate the holiday with the Taylor clan and a few others.

**Sheriff Andy knew that getting out on foot patrol was the way to provide service to the community.** Although he had a squad car, it was only used when they had to leave Mayberry. Instead, he walked to the places he needed to go to, and talked to his fellow citizens along the way. But then, he only lived a half block from the courthouse.

**Sheriff Andy realized that following the letter of the law isn't always following the spirit of the law.** His ongoing encounters with Ernest T. Bass, and his creative problem solving to keep Ernest T. from his misdeeds, meant empty cells, but Otis was always around if he really needed a prisoner. In another episode, in one of the rare instances where Andy was shown to be performing a sheriff's duty — eviction — he was able to find a way to keep the elderly resident in his home, with the ability to live out his life in comfort.

**Sheriff Andy knew people learned better from what they experienced than what they were told.** In an episode with a "spoiled kid" whom Opie

had befriended, he managed to show both Opie and the boy's father what the consequences of being a brat really are, letting Opie come to his own conclusion that his new friend was not such a good example after all.

**Sheriff Andy failed substance abuse in his community, with the regular appearance of Otis Campbell, the town drunk.** But Andy never embarrassed him, instead, he made sure he knew that he was safe at the jail.

**Sheriff Andy knew that someone who was willing to work hard and was loyal to the community was important, even if trying on occasion.** Despite his regular frustration with his deputy, he went out of his way to make sure that Barney was respected and appreciated for the dedication he had to Mayberry.

**Sheriff Andy knew he could trust his family, even the youngest member.** When Opie told what sounded to be an outlandish tale, Andy was skeptical, but eventually, he told Opie he believed him. He told Aunt Bea and Barney as well, that although he didn't believe the tale, he did believe in Opie. And this was before he discovered that Opie really was telling the truth.

Law enforcement isn't just about being a cop and enforcing the law, but instead keeping priorities where they should be and looking after one's family and community with respect, sensitivity and compassion. Andy Griffith passed away on July 3, but Sheriff Andy Taylor will live on forever, in those 249 mini-lessons on life. Future generations of law enforcement officers would do well to spend a few minutes with Sheriff Andy Taylor, Deputy Barney Fife and all the citizens of Mayberry. 🌱



“*Law enforcement isn't just about being a cop and enforcing the law, but instead keeping priorities where they should be and looking after one's family and community with respect, sensitivity and compassion.*”



A term and concept that over the years has been a source of concern and confusion for law enforcement officers is curtilage. The term arises in the context of search and seizure cases in the application of the Plain View doctrine.

Curtilage in the search and seizure context is defined in Black’s Law Dictionary as “[T]he enclosed space of ground and buildings immediately surrounding a dwellinghouse.” It “... includes those out-buildings which are directly and intimately connected with the habitation and in proximity thereto and the land or grounds surrounding the dwelling, which are necessary and convenient and habitually used for family purposes and carrying on domestic employment.” Curtilage is essentially the land around a home that is related to the everyday life activities of the home. It is a limited area of ground and only residences have curtilage. There is no such thing as curtilage around a commercial building, barn, storage building or other non-residential structure. Those structures may be within the curtilage of a dwellinghouse, and would also be protected if that was the case, but they have no curtilage of their own. The Fourth Amendment protections of the home are extended to the curtilage and as such, entry into the curtilage

without a warrant would require either consent or an exigent circumstance.

The Plain View doctrine permits an officer of the law to seize evidence without a warrant if the officer is where he or she has a right to be when the item is seen; the officer has immediate probable cause to believe the item is evidence of a crime, and the officer has right of access to actually get to the item. In other words, the officer can legally be where the item is physically located (rather than just seen). This last prong becomes the issue in cases where an officer observes what he or she has immediate probable cause to believe is evidence of a crime, but it actually is located on a citizen’s private property or has a suspicion of unlawful activity on the property and wishes to enter to investigate.

The issue becomes whether the specific location on the property where the item of evidence is located is considered an “open field,” or if it is curtilage. If it is an open field, the courts have held that there is no reasonable expectation of privacy. In that event, it does not have the protection of the Fourth Amendment against unreasonable searches and seizures, pursuant to Oliver v. U.S., 466 U.S. 170 (1984). In such cases, an officer may legally enter the property to make a warrantless seizure of the evidence that was observed.

So the question an officer faces is how to tell whether a specific portion of a property is considered curtilage or an open field. In the case of U.S. v. Dunn, 480 U.S. 294 (1987), the U.S. Supreme Court provided a four part test to determine whether a specific area was curtilage or an open field. They are:

- (1) the proximity of the home to the area claimed to be curtilage.
- (2) whether the location is within an enclosure around the house.
- (3) whether the location is used for the intimate life activities of the home.
- (4) efforts made to conceal it from view.

In the Dunn case, the location in question was a barn on the property where Dunn was operating a drug lab. Based on information that did not rise to probable cause, officers had entered the farm without a warrant. They walked up to the open barn door, which had a farm gate across it. By shining their flashlights inside, the officers observed the drug lab. Using their observation, the officers obtained a search warrant and seized the lab in the barn. Based on the four factors, the Court held that the barn was not within the curtilage, noting that it was more than 150 feet from the house, it was not inside an interior fence on the property that surrounded the house itself, there was no indication that the barn had anything to do with day-to-day life at the house, and Dunn had made no appreciable effort to hide it from view. The farm gate across the open barn door was there to keep his cattle out, not to hide the interior from view.

It is important to remember that the four-part test in Dunn was a balancing test. In a sense, the factors should be placed upon an imaginary scale to see if it tips toward the location being within the curtilage or in an open field. No one factor would necessarily decide the issue. Had the barn been closer to the house in Dunn, there might have been a different outcome. It is also possible that when balanced with the other three factors it would still have been determined that the barn was in an open field.

#### GUIDELINES

The Dunn test provides good guidance to officers. However, there can be situations where

applying the four factors will not give a clear-cut answer. Are there practical, everyday factors that an officer can use if the answer is not clear from the Dunn factors? There are some basic rules of thumb that can be used, but it must be stressed, and the officer must understand, that these are not legal tests and that your local judge may not agree in a particular case and rule against you. Always consult with your prosecutors as to how you should proceed when possible, because the prosecutors will have a far better understanding of the attitudes of a particular local judge. However, if unable to determine whether or not the location is curtilage by using the Dunn factors, these basic guidelines should help in the decision making.

In a residential area, such as a subdivision, typically the entire lot the house sits on will be considered curtilage, whether it is fenced or not. Where this may be more questionable is in developments which have very large lots, possibly several acres of land with each house. A good argument can be made that the entirety of these very large lots cannot be used for the intimate life activities of the home and the distance from the house to the more remote locations on the lot could be quite significant. Using the Dunn balancing test, it may be that some portions of very large lots would be considered open fields. In the end, this will be a conclusion your judge will have to reach. If challenged in court, you must be prepared to clearly describe the remoteness of the house from the location, describe the lack of evidence that the specific area was related to the intimate life activities of the home, and if relevant, what if any efforts were made by the defendant to conceal the activity or item from view. Remember, however, that in your typical urban setting or subdivisions, the rule of thumb will be that the entire lot will be curtilage.

In rural areas, particularly when dealing with farms, it may not always be very clear what portion of the property is the curtilage. Many farms have a perimeter fence around the entire property. Within that perimeter fence, the land is often divided with other fencing into discrete fields for raising crops or grazing livestock. Many times, as was the case in Dunn, the farmhouse and related outbuildings, such as a tool shed, will be within a fence of its own

to separate it from the rest of the farm. This often will effectively define the curtilage as that discrete portion of the property that is reserved for the life of the home. An officer should have no problem in explaining the facts in such a case and justifying decisions and actions. Where it becomes more problematic is where there is little or no fencing separating the dwelling from the rest of the property. There may be rather considerable space between the home and obvious farming activity. However, there may be very little, or due to how household items may be intermingled with farming implements, it may be hard to define the curtilage. Officers should use the Dunn factors to analyze the situation. Remember, the absence of a fence separating the home from the rest of the active farm does not automatically render all the land around the home an open field. The fencing is only one factor among the four to be weighed in the balance.

In such cases, a reasonable rule of thumb, and an articulable factor in evaluating whether the land in question is related to the intimate life activities of the home is to observe where the grass is being mowed. If the grass is being mowed around the home in the manner expected for maintaining a yard, then it is reasonable to conclude that this specific area is used for the intimate life activities of the home. The odds are very good that this mowed area will be determined to be the curtilage. Again, whether this is determined to be the curtilage or an open field is a decision that, ultimately, the judge will make. It is incumbent upon officers to clearly articulate all relevant facts to support a conclusion under Dunn that the property they entered without a warrant was an open field, not curtilage. Officers must clearly explain the facts presented to them and explain how they reached their conclusions. Photographs of the area illustrating the officer’s points will be valuable in helping the judge reach the same conclusion as the officer.

Whether a specific area of property is curtilage or an open field is critical to the application of the Plain View doctrine. Plain View is not now, nor has it ever been, “If I sees it, I can seize it.” By having a clear understanding of the concept of curtilage, officers will be able to make good decisions on the street and have great success in defending their actions in court. ■

# What is “Curtilage”?

MIKE SCHWENDEMAN | STAFF ATTORNEY,  
DOCJT LEGAL TRAINING SECTION





## Book Review

Drexel Neal | Staff Assistant, DOJT



# Inside Internal Affairs

*An In-Depth Look at the People, Process and Politics*

Author John Hein has 35 years experience in military and civilian security and local and federal law enforcement. He retired from the U.S. Customs as the area director in Foreign Operations, Office of International Affairs and has been an adjunct instructor of criminal justice for the American Public University System since 2004.

Several years ago I received a phone call from Hein after I left the National Association of Internal Affairs Investigators where I served as secretary and treasurer. He sent questionnaires to various law enforcement agencies seeking their input on a project that he hoped would lead to a textbook for the internal affairs function of various levels of law enforcement agencies. I returned the questionnaire and volunteered to assist with the effort. I taught classes on internal affairs for local agencies and set up training conferences for NIAIA and I knew the difficulty in finding a textbook or material that was useful and yet specific enough to be beneficial to students and/or trainers.

After receiving a copy of Hein's transcript I was glad to inform him I finally had found a college-level textbook I could recommend to law enforcement executives and practitioners. Hein covered the critical areas of police management, current issues for both large and small agencies, labor relations and collective bargaining.

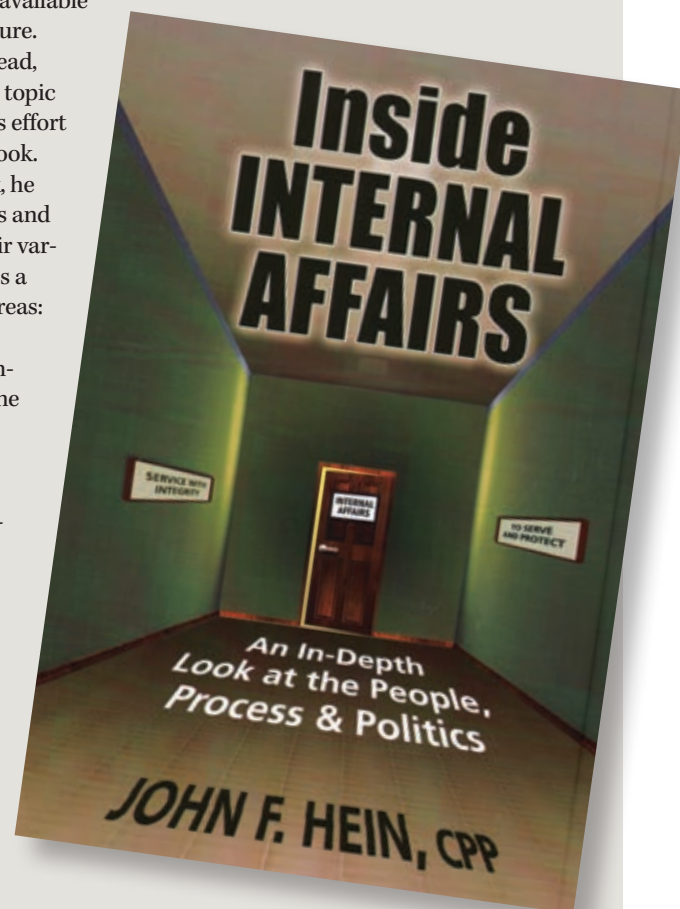
The book is very thorough and professionally written and from a law

enforcement trainer's standpoint, it is more than just a reference book about ethics, legal decisions and model policy discussion. Each chapter thoroughly addresses a topic and also includes case studies complete with a series of questions, discussion points and suggested additional reading resources. An instructor's CD will also be available for the textbook in the near future.

The book is an interesting read, and I found it difficult to find a topic that Hein did not address in his effort to develop an up-to-date textbook. During the writing of this book, he sought input from IA managers and practitioners and included their varied suggested topics. Hein takes a focused look at the following areas:

- Defining the realms of responsibility of agencies, investigators, officers and the public
- Psychology and the IA process
- Uncovering and recognizing corruption
- Dealing with the media
- The best method of avoiding problem employees right from the start
- The "Code of Silence" — is it real?
- Tracking behavior by computer
- Citizen survey
- Department culture and the economy

- The coming change in police culture
  - The future outlook for internal affairs
- The book is essential for internal affairs investigators, trainers and managers. The book can be purchased on line at the publisher's website [www.LooseleafLaw.com](http://www.LooseleafLaw.com).



by John F. Hein, CCP, Looseleaf Law Publications, Inc., Flushing, NY, 2012

## STRANGE STORIES FROM THE BEAT

### » Idaho man robs coffee shop in underwear mask



A southwest Idaho thief covered his head with underwear as he and his partner broke into a coffee shop and stole a safe. The coffee shop owner said he believes the men were likely not prepared when they entered Big Star Coffee. "Who robs something with underwear on their head?" he said. "I think the underwear shows they're not the smartest criminals." Investigators said the burglars made off with a small safe that contained about \$500 in cash.

### » Woman who drank hand sanitizer charged with DUI

A Connecticut woman is accused of driving under the influence ... of hand sanitizer. The charge, however, is driving drunk. Police said the 36-year-old woman drank half a bottle of hand sanitizer and had a blood alcohol level of .17 before almost crashing into another vehicle. "I just saw it there so I drank it," the woman said.

She drank the equivalent of 32 shots of vodka.



### Man arrested for DUI says he swerved for elephant on road

A man who was arrested for his seventh DUI said he swerved his vehicle to avoid an elephant he saw in his path, said investigators.

The driver was arrested and charged with DUI and for not having insurance when he crashed his 1998 Land Rover. He drove the vehicle off the road's left side and hit a guardrail.

He was found at the scene by a trooper and looked impaired. According to investigators, he acknowledged that he smoke marijuana dipped in PCP before he drove.

No elephants were found at the scene.



### Woman arrested for calling 911 to praise bologna sandwiches

A Florida woman wanted to express her gratitude for the bologna sandwiches she had during a recent jail stay. So she called 911 — six times — to try to thank the sheriff. Instead, police arrested the 51 year old for abusing the emergency line, and brought her back to jail. She went back to jail, held on a \$3,000 bond. The menu probably hasn't changed.

### Victim stops burglar by sitting on him

Police say an Albuquerque man stopped a would-be car burglar by chasing him down and sitting on him until authorities arrived. A police video showed Rene Huerta sitting on top of burglary suspect Michael Chavez after Huerta said he caught Chavez breaking into his Chevy Tahoe. Chavez is heard telling police "thank you!" when officers arrived and got Huerta off him.



» IF YOU HAVE ANY

funny, interesting or strange stories from the beat, please send them to [jimd.robertson@ky.gov](mailto:jimd.robertson@ky.gov)





KENTUCKY

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